

**RESEARCH GRANT AND INDUSTRY DEVELOPMENT FUNDING
PRE-QUALIFICATION AGREEMENT**

MADE BY:

(the "Prospective Applicant")

WHEREAS:

- A. The British Columbia Vegetable Marketing Commission (the "Commission") is authorized to grant money to assist in research relating to the marketing of Regulated Product as defined in the *British Columbia Vegetable Scheme* (B.C. Reg. 96/80) (the "Scheme").
- B. The Commission is empowered to set and collect levies or charges and to use those levies or charges and other money and licence fees received by it: for the promotion, control and regulation of the marketing of a Regulated Product; to pay its expenses; to pay costs and losses incurred in marketing a regulated product; to equalize or adjust returns received by producers; and to set aside reserves for the aforementioned purposes.
- C. Subject to certain exceptions specified in paragraph 11(1)(p) of the *Natural Products Marketing (BC) Act*, R.S.B.C. 1996, c. 330 (the "Act"), the Commission is empowered to delegate its authority to such extent and in such manner as the Commission may from time-to-time deem necessary or advisable for the proper operation of the Scheme.
- D. The Commission may from time-to-time request in writing that the Prospective Applicant provide specific services for and on behalf of the Commission, at such time or times, and in such manner, as the Commission may determine in its sole discretion.
- E. As a precondition to the provision of any grant or funding, the Commission requires prospective recipients to enter into a Research Grant and Industry Development Funding Pre-Qualification Agreement containing such terms and conditions as the Commission may from time-to-time prescribe.
- F. The Prospective Applicant wishes to be eligible to receive funding from the Commission so that it may pay expenses incurred by it in relation to:
 - I. research relating to the marketing of Regulated Product as may be expressly authorized in writing by the Commission; and/or
 - II. the promotion, control and regulation of the marketing of a Regulated Product, as may be expressly authorized in writing by the Commission.

NOW THEREFORE in consideration of being pre-qualified for consideration of applications for grants or funding from the Commission, the Prospective Applicant acknowledges and agrees as follows:

Delegation of Authorities and Functions

1. The Commission may from time-to-time delegate to the Prospective Applicant certain authorities and functions, to such extent and in such manner, as the Commission may from time-to-time deem necessary or advisable for the proper operation of the Scheme, provided nevertheless that the Prospective Applicant shall not be permitted to exercise any of the authorities referenced in paragraphs 11(1)(f), (g), (h) or (i) of the *Natural Products Marketing (BC) Act*.
2. No delegation shall be effective unless made in writing by the Commission and accepted by the Prospective Applicant.
3. The Prospective Applicant acknowledges that any delegation made by the Commission may be withdrawn by the Commission, at any time, and at the sole discretion of the Commission. The Prospective Applicant further acknowledges that nothing herein shall be interpreted as fettering the Commission's discretion with respect to the delegation of its authority or the payment of any expenses incurred in relation thereto.

Provision of Services

4. The Prospective Applicant acknowledges that the Commission may from time-to-time request in writing that the Prospective Applicant provide specific services for and on behalf of the Commission, at such time or times, and in such manner, as the Commission may determine in its sole discretion.
5. No request for the provision of specific services shall be effective unless it and the Prospective Applicant's acceptance thereof are expressed in writing.

Representative Capacity of the Prospective Applicant

6. As a precondition to the Commission's consideration of any applications for grants or funding made by the Prospective Applicant, the Prospective Applicant agrees to provide the Commission with full and detailed particulars, supported by documentary evidence, of the extent to which the Prospective Applicant may have authority to represent stakeholders within the British Columbia vegetable industry. Where the Prospective Applicant is an association or other organization purporting to represent certain industry stakeholders, the Prospective Applicant agrees to provide the Commission with a full and detailed list of all such industry stakeholders, supported by documents evidencing the agreement or consent of each such industry stakeholder to be so represented by the Prospective Applicant.

Applications for Grants or Funding

7. The Prospective Applicant acknowledges and agrees that:
 - (a) every application for a grant or for funding must be made in the form attached hereto;
 - (b) the Commission may consult with industry stakeholders with respect to any application for a grant or for funding made by the Prospective Applicant;

- (c) the Commission may elect to pursue any project for which a grant or funding is sought by the Prospective Applicant without the involvement of the Prospective Applicant; and
- (d) the Commission may approve or reject any application for a grant or for funding, in whole or in part, and/or on such term or conditions as the Commission may impose, in its sole discretion.

Grants or Funding

- 8. The Prospective Applicant acknowledges and agrees that where the Commission has approved the Prospective Applicant's application, in whole or in part, and/or on such term or conditions as the Commission has imposed, the Commission may at any time, and in its sole discretion, reduce the amount of, or withhold any amount from, any such grant or funding, where it appears that the Prospective Applicant has incurred expenses that are excessive, unnecessary, or unauthorized, or where the Prospective Applicant has failed to keep proper books and records, or failed to report to the Commission as required herein.
- 9. The Prospective Applicant acknowledges and agrees that it is obliged to forthwith return to the Commission any portion of the grant or funding provided by the Commission that is surplus to the requirements of the project for which the grant or funding was sought.

Reporting

- 10. The Prospective Applicant acknowledges and agrees that it must:
 - (a) keep proper books and records concerning all activities conducted and expenses incurred by the Prospective Applicant in relation to any grant or funding provided by the Commission;
 - (b) forthwith submit to the Commission minutes of all meetings of the Prospective Applicant at the request of the Commission;
 - (c) forthwith submit to the Commission financial statements and/or supporting documentation as the Commission may require from time-to-time detailing:
 - (i) expenses incurred by the Prospective Applicant in relation to any grant or funding provided by the Commission;
 - (ii) any cash reserves held by the Prospective Applicant in relation to any grant or funding provided by the Commission.
 - (d) submit to any audit or inspection by the Commission.

Indemnification

- 11. The Prospective Applicant agrees to indemnify and save the Commission harmless from and against all claims, losses, damages, costs, expenses and other actions made, sustained, brought, threatened to be brought or prosecuted, in any manner based upon, occasioned by or attributable to any willful or negligent act, omission or delay on the part of the Prospective Applicant or its members, employees or agents in connection with

anything purported to be or required to be provided by or done by the Prospective Applicant pursuant to or in connection with any grant or funding provided by the Commission.

Intellectual Property Ownership

12. The Prospective Applicant acknowledges and agrees that the Commission retains all rights, including, without limitation, copyrights, patents, trade, secret rights, and other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, works of authorship, confidential, information, or trade, secrets, developed, or created by the Prospective Applicant, solely, or jointly with others, in connection with any matter wholly or partially funded by any grant or other funding provided by the Commission.

Date: _____

Name of Prospective Applicant: _____

Authorized Signatory: _____

APPLICATION FOR GRANT OR FUNDING

Section A – Notice to Applicant

In order for your application to be eligible for consideration by the British Columbia Vegetable Marketing Commission (the “Commission”), you must:

1. Provide the Commission with a duly signed Research Grant and Industry Development Funding Pre-Qualification Agreement containing such terms and conditions as the Commission has prescribed or required as at the date of this application; and
2. Provide the Commission with full and detailed particulars, supported by documentary evidence, of the extent to which the Applicant may have authority to represent stakeholders within the British Columbia vegetable industry. Where the Applicant is an association or other organization purporting to represent certain industry stakeholders, the Applicant must provide the Commission with a full and detailed list of all such industry stakeholders, supported by documents evidencing the agreement or consent of each such industry stakeholder to be so represented by the Applicant.

Section B – Particulars of Applicant

1. Legal Name

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2. Operating Name (if different from legal name)

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3. Year Established

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4. Organization Type

Not-For-Profit Private Sector

5. Primary Address

Street Number and Name

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City or Town

Province or Territory

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Postal Code

Telephone Number

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Email Address

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6. Applicant's Primary Activities (In no more than 500 words, describe the Applicant's Primary Activities)

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7. Primary Contact

Name	Position Title

SECTION C – PROJECT FOR WHICH GRANT OR FUNDING IS SOUGHT

8. Name of Project

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9. Planned Start Date

10. Planned End Date

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11. Amount Requested from the Commission

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12. Description of Project

Summary (In no more than 500 words, describe the need for the initiative, its goals, expected results and the benefits to industry stakeholders)

Empty response area for the project description.

13. Delegation of Authority

If the Project requires a delegation of authority from the Commission to the Applicant, describe below the precise authorities so required.

Empty response area for the delegation of authority details.

14. Project Activities and Timelines

Activities	Timelines

15. Project Cost

List each activity or service	Cost
Total Cost of activities and/or services	

16. Budget Details

Use this field to provide any further budget details that you may find necessary in describing your project.

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17. Date of Application**18. Authorized Signatory**

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