EXECUTIVE BOARD OF THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, SEPTEMBER 11, 1970

HARTFORD FOUNDATION

APPENDIX A

Dear Doctor Terry:

I am pleased to inform you that the Trustees of The John A. Hartford Foundation, Inc., have approved a grant of $117,087 to the University of Pennsylvania for use by its School of Medicine for studies of the therapeutic effects of altering the oxygen-hemoglobin equilibrium curve described in the University's grant application dated January 16, 1970, amended April 16, 1970. This grant, however, is expressly subject to these conditions:

(a) It is represented by the University and relied upon by this Foundation in making this grant that the project hereby provided for will extend over a period of approximately three years and that the grant will be prudently used and prorated over said period;

(b) All funds advanced by the Foundation under this grant shall be used by the University in the prosecution of the program for which granted and only for the items recited in the proposal dated January 16, 1970, amended April 16, 1970, and for no other purpose without the consent in writing of the Foundation; and any unexpended balance remaining in the hands of the University upon the expiration of the period of the grant or upon the earlier termination thereof as hereinafter provided shall, at the option of the Foundation, be returned to it;

(c) The project shall be commenced with reasonable promptness and the University shall notify the Foundation in writing of the date of such commencement. If, in the sole opinion of the Foundation, there shall not have been a bona fide commencement of the program for which this grant is made within a reasonable time following the date of acceptance hereof by the University, the Foundation reserves the right to rescind all or any part of the grant hereby made;

(d) The funds hereby granted shall be advanced by the Foundation to the University at the beginning of each year of the contemplated period for which the grant is made;

(e) All funds granted by the Foundation to the University shall, until used or disbursed by the University for the purposes of said grant, be held by the latter in a special ledger account for such purposes or for return to the Foundation as herein provided. While so held by the University such funds shall not be used for any other purpose and shall not be invested in any manner which would jeopardize or impair in anywise their availability for use by the University for the purposes hereinafore provided, or for return to the Foundation as hereinafter provided;

(f) The University shall furnish or make available to the Foundation at all times during the operation of the project for which this grant is made all reports, records and other data, of whatever nature, pertaining to the operation of the program and the results being accomplished;

(g) No person, firm or corporation (which terms include the University and this Foundation) shall have any proprietary interest of whatever nature in any results or ideas developed or established in the prosecution of the project to be underwritten hereby;

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(h) If, as the result of the consideration of reports and information submitted to it by the University or from other sources, the Foundation shall, in its sole discretion determine that further prosecution of the project to be underwritten by this grant is not reasonably in the interest of the general public, it may so notify the University, whereupon it, if so requested by the Foundation, shall promptly refund and pay back to the latter any unexpended balance of said grant in its hands, after deducting therefrom such sum as it shall require to discharge any then existing contractual commitments made in good faith by it prior to receipt of such notice;

(i) In the institution and carrying out of the project for which this grant is made, the status of the University with respect to the Foundation shall be that of an independent contractor. The Foundation shall neither have nor exercise any direction or supervision of or over any person engaged by the University for work or other activity, of whatever nature, on or in connection with said project and the Foundation shall have no duty, obligation or liability, of whatever nature, to any such person;

(j) A public announcement of this grant shall be made by joint release approved by the University and the Foundation. All manuscripts, papers, releases, exhibits or interviews prepared for scientific meetings, the public or private press, magazines, periodicals, radio, television, or other means of communication dealing with the activities or achievements of the program shall acknowledge the Foundation's support;

(k) The governing body of the University shall adopt a resolution accepting and agreeing to accept this grant on the terms stated herein and shall furnish to this Foundation a certified copy of said resolution, that the tax-exempt status granted by the U.S. Treasury Department under section 501(c)(3) of the Internal Revenue Act of 1954, as amended (or its predecessor section 101 (6) of the Internal Revenue Act of 1939) is unrevoked and in full force and effect.

Payment of the first annual installment of this grant will be arranged upon receipt of the documents herein requested.

Yours sincerely,

Harry B. George
President