

GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT



STATE OF CALIFORNIA • OFFICE OF GOVERNOR EDMUND G. BROWN JR.

California Competes Tax Credit Application Workshop

Fiscal Year 2016-2017





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California Governor's Office of Business and Economic Development (GO-Biz)

June 9 at 1:55pm - @

California surpasses Texas, Florida & others as the Top State for Economic Development. GO-Biz recognized as the Top Economic Development program in the US by the leading industry publication Area Development Magazine. #CAGold http://p0.vresp.com/CQiDX1





California Governor's Office of Business and Economic Development (GO-Biz)

June 15 at 3:55am - @

"California grew by 4.1 percent in 2015, compared with a 2.4 percent increase for the U.S. and 1.1 percent for France. Last year, California created the most jobs of any state, more than the second- and third-most-populous states Florida and Texas combined. Four of the world's 10 largest companies are based in California, including Alphabet Inc. and Facebook."





@CAGoBiz
#CalCompetes



GO-Biz @CAGoBiz

ALERT: California Competes Application OPEN today. Apply NOW for tax credits to expand your business. **#CalCompetes** business.ca.gov/Programs/Calif...







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Agenda

- GO-Biz Services
- Governor's Economic Development Initiative
- California Competes Tax Credit Program
- Application Deadlines and Process
- Application Guide
- Example
- Q&A

GO-Biz Services

California
Business
Investment
Services (CalBIS)

Small Business Assistance California Business Portal

Innovation and Entrepreneurship

Permitting Assistance

International
Affairs and Trade
Development

Small Business Assistance

- Provides assistance through informational workshops, interagency projects, and direct advocacy
- Maintains a comprehensive list of small business resources for state procurement, loan programs, and business planning
- http://business.ca.gov/programs/smallbusiness.aspx

Permitting Assistance

- Provides permit identification and regulatory compliance assistance
- Offers pre-application meetings between businesses and the appropriate regulatory agencies
- Maintains online permit assistance website: <u>www.calgold.ca.gov</u>

California Business Portal

Business Navigator

Not sure where to start? Use the California Business Navigator to find custom information for your business

Business Service Desk

Get answers to commonly asked questions relating to taxes, permits, incentive programs, regulations, and workforce information

Quick Start Guides

Quick Start Guides contain essential information for starting, growing, and expanding specific types of businesses



Governor's Economic Development Initiative (GEDI)

Hiring Tax Credit (New Employment Credit)

- Started January 1, 2014
- Administered by Franchise Tax Board
- FAQs at <u>www.ftb.ca.gov</u>



- Started July 1, 2014
- Administered by Board of Equalization
- FAQs at <u>www.boe.ca.gov</u>

California Competes Tax Credit

- Started March 2014
- Administered by GO-Biz







The California Competes Tax Credit

California Competes Tax Credit:

- Credit against the income tax due the Franchise Tax Board
- Non-refundable
- 6 tax year carryover

Accountability:

- Tied to achieving contractual (hiring/investment) milestones
- Recapture provisions

California Competes Tax Credit (Continued)

Credit awards are based on 11 factors:

- Number of jobs created or retained
- Compensation paid to employees
- Amount of investment
- Duration of proposed project and commitment to remain in this state
- Extent of unemployment or poverty in business area
- Extent the benefit to the state exceeds the amount of the tax credit
- Incentives available in other states
- Opportunity for future growth and expansion
- Other incentives available in California
- Overall economic impact
- Strategic importance to the state, region, or locality

California Competes Tax Credit Availability

Tentative Amount of Credits Available

\$243.3 million in fiscal year 2016/17 \$200 million in fiscal year 2017/18

No more than 20% may go to any one applicant per fiscal year

25% of total amount each fiscal year reserved for small businesses

Application Periods

The Director of GO-Biz sets the application periods each fiscal year:

Fiscal Year 2016-2017

July 25, 2016 – August 22, 2016

\$75 million available

January 2, 2017 – January 23, 2017

\$100 million available

March 6, 2017 – March 27, 2017

\$68.3 million available

Application Process

- Online application submission: https://www.calcompetes.ca.gov
- Notices and technical assistance: <u>www.business.ca.gov/calcompetes.aspx</u>
- Unsuccessful applicants may resubmit applications in the next application period in the same fiscal year after updating the Employees and Investment sections and Current Tax Year

Credit Application and Award Process

Phase I

- Quantitative analysis
- Cost-benefit ratio



Phase II

Comprehensive evaluation based on eight additional factors and the Phase I ratio calculation



Post Committee Approval

- Information Posting
- Required Reporting
- Agreement Compliance



Agreements

Must be approved by the California Competes Tax Credit Committee

Phase I Evaluation

Cost-Benefit Ratio:

Amount of Credit Requested

Aggregate Employee Compensation



Aggregate Investment

Applications with the most advantageous cost-benefit ratio will be moved to Phase II

"Absent Award" applicants will advance to Phase II regardless of ratio

Phase II Evaluation

- Phase I information
- Extent of unemployment/poverty
- Economic impact
- Number of retained employees
- Opportunity for growth/expansion
- Other incentives available
- Salary/benefits
- Strategic importance
- Other information requested

Note: Evaluated factors are in no particular order

Agreements

Terms and conditions of the agreements include:

- Minimum employee compensation and retention period
- Credit distribution period
- Recapture provisions if applicant fails to meet commitments

Tax credit agreements must be approved by California Competes Tax Credit Committee

 Committee Members: State Treasurer, Director of the Department of Finance, two legislative appointees, and the Director of GO-Biz (Chair)

Agreements

Taxpayer: Widget Manufacturing LLC

	2015 Tax Year (Base)	2016 Tax Year		2018 Tax Year	2019 Tax Year	2020 Tax Year	Total
Total California Full- Time Employees ¹	5	6.5	8	9	9	9	
Net Increase of Full- Time Employees Compared to the Base Year		1.5	3	4	4	4	
Minimum Annual Salary of California Full-Time Employees Hired		\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	
Cumulative Average Annual Salary of California Full-Time Employees Hired		\$40,000	\$40,000	\$50,000	\$50,000	\$50,000	
Investments		\$0	\$100,000	\$75,000	\$0	\$0	\$175,000
Tax Credit Allocation		\$24,000	\$24,000	\$24,000	\$24,000	\$24,000	\$120,000

¹ Determined on an annual full-time equivalent basis

Post Committee Approval

GO-Biz is required to post information on its website for all awardees

Name	Primary Location(s)	Industry	Net Increase of Full-Time Employees	Investments	Amount of Tax Credit	Amount Recaptured
Wolf & Associates, Inc.	Costa Mesa	3D Printer Manufacturing	120	\$1,200,000	\$500,000	
Caylym Technologies International, LLC	Fresno	Fire Suppression and Flood Containment Product Manufacturing	53	\$3,457,500	\$1,500,000	
Tioga Research, Inc.	San Diego	Biotechnology Research & Development	21	\$1,116,241	\$45,000	
Kinkisharyo (USA), Inc.	Palmdale	Light Rail Vehicle Manufacturing	103	\$12,000,000	\$417,600	
Just Say Music	Sacramento	Musical Instrument Instruction and Repair Services	4	\$1,700,000	\$60,000	

For a list of all awardees, visit the <u>awardee list</u>.

Oversight/Accountability

Franchise Tax Board (FTB)

- Access to application and all documentation
- Must review books/records for agreement compliance for non-small businesses
- May review books/records for agreement compliance if the recipient is a small business

Material Breach

- FTB informs GO-Biz
- Committee approves or denies recapture

California Competes Application Guide



Fiscal Year 2016-2017



General Definitions

Small Business	Gross receipts of greater than zero (\$0.00) and less than \$2 million during the applicant's prior tax year			
Project	The applicant's proposed business venture that will result in increased employment/investments in California			
Base Year	The applicant's taxable year immediately preceding the taxable year in which the application is submitted			



Employment Definitions		
Full-time Employee	An individual paid wages for services in California of not less than an average of 35 hours per week (W-2 Employees)	
Annual Full-time Equivalent	A method of accounting for full-time employees that worked (or will work) less than a full year during the applicant's taxable year	
Aggregate Employee Compensation	A method of accounting for salaries of full-time employees on an annual full-time equivalent basis for the current tax year plus four subsequent tax years	
Salary	Is the amount of monetary compensation a full-time employee is paid by the applicant per year and does not include tips, overtime, bonuses, benefits, or other compensation of any kind. When answering the questions that request the minimum and average salary of California full-time employees to be hired, use the salary the full-time employee(s) would make in a full year of employment, without regard to the projected date of hire	

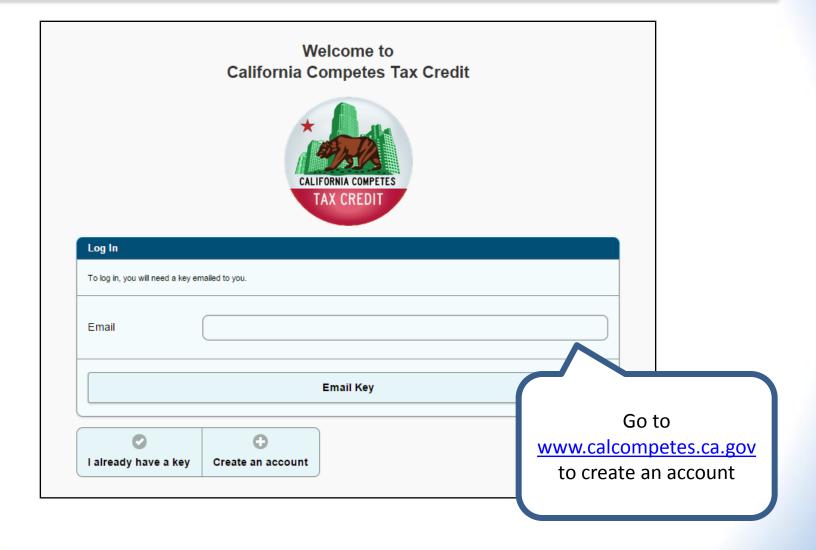


Investment Definitions The amount paid for "real" and "personal" property purchased or leased Investment after the close of the current application period, directly related to the applicant's proposed project. Is any property located in this state that is attached directly to land, as well as the land itself. It includes, but is not limited to all, land, structures, firmly attached and integrated equipment, anything growing on the land, and all other "interests" in the property which may be the right to future ownership, Real right to occupy for a period of time, or an easement across another's **Property** property. Real property also includes capitalized costs related to new construction, reconstruction, or expansion of buildings or structures which will be used in the applicant's trade or business in connection with the project and are subject to depreciation. Is property that is tangible, movable property, including, but not limited to, Personal vehicles, movable fixtures, equipment, electronic devices, intangible **Property** property, including, but not limited to, software licenses, intellectual property acquired in connection with the project that has a quantifiable value, and other business assets which are subject to depreciation.

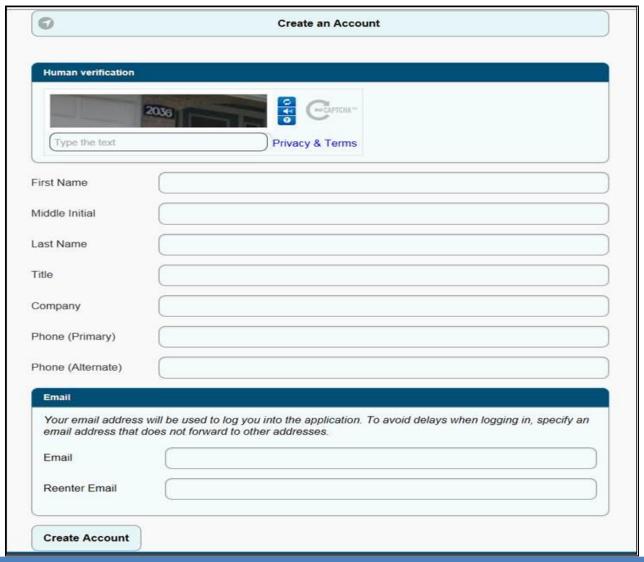
Documents Needed

- ✓ Payroll records for full-time employees employed by the applicant in its prior tax year
- ✓ 5 year business plan, including:
 - Projected number of new full-time employees,
 their job classifications, and wages
 - Projected amount of new investment

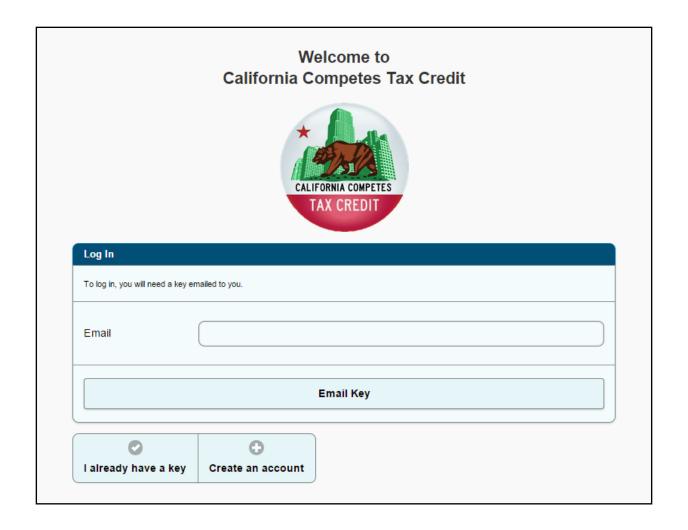
Creating an Account



Creating an Account (Continued)



Login



Login (Continued)

Subject: Cal Competes Login

(This information will expire 30 minutes after it is sent.)

Use this key to log in.

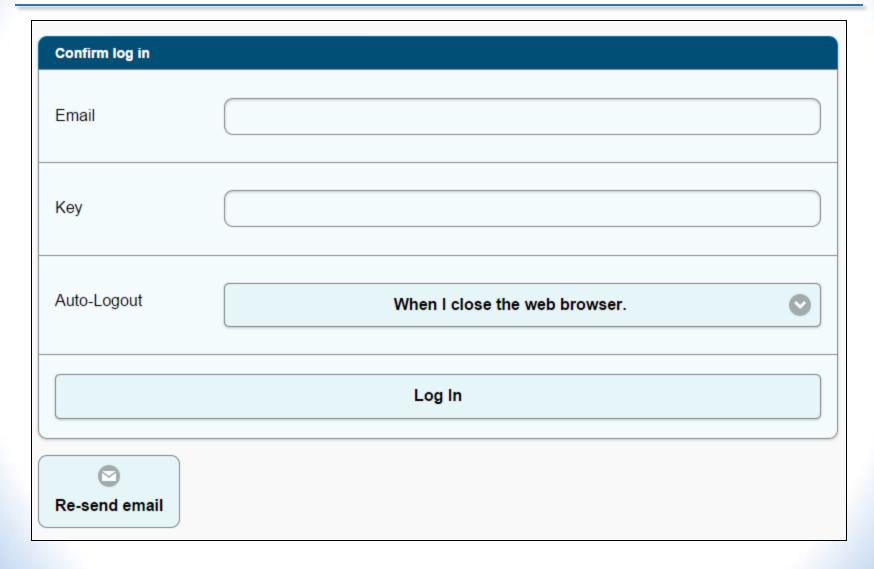
238257

Or just click on this link to log in

https://www.calcompetes.ca.gov/Public/Auth.aspx?id=3-

hClslLFtSBtjwhhMgrE9LMK5XealLjBlEO3TZNL3hhdx8HEhib0Ux2F35HbRJlAYB12sv1yXWVX493PDmeM4Y

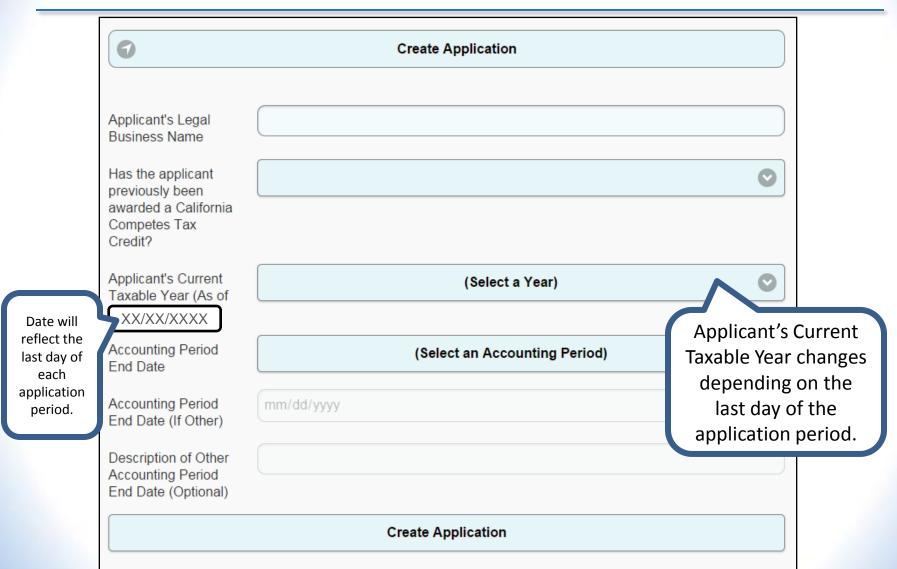
Login (Continued)



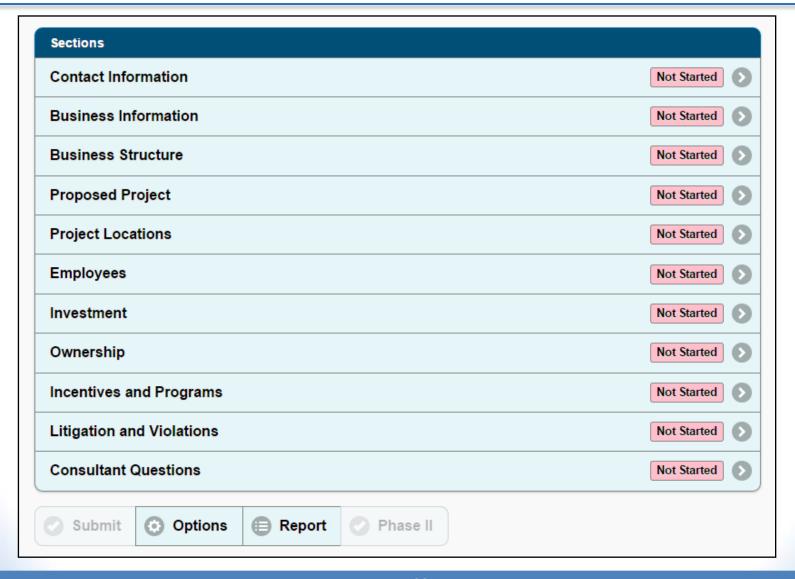
Creating an Application



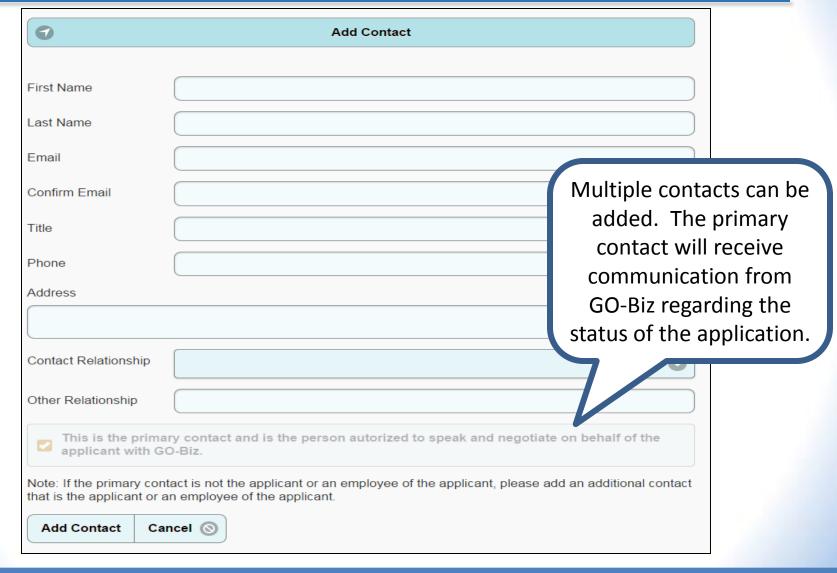
Creating an Application (Continued)



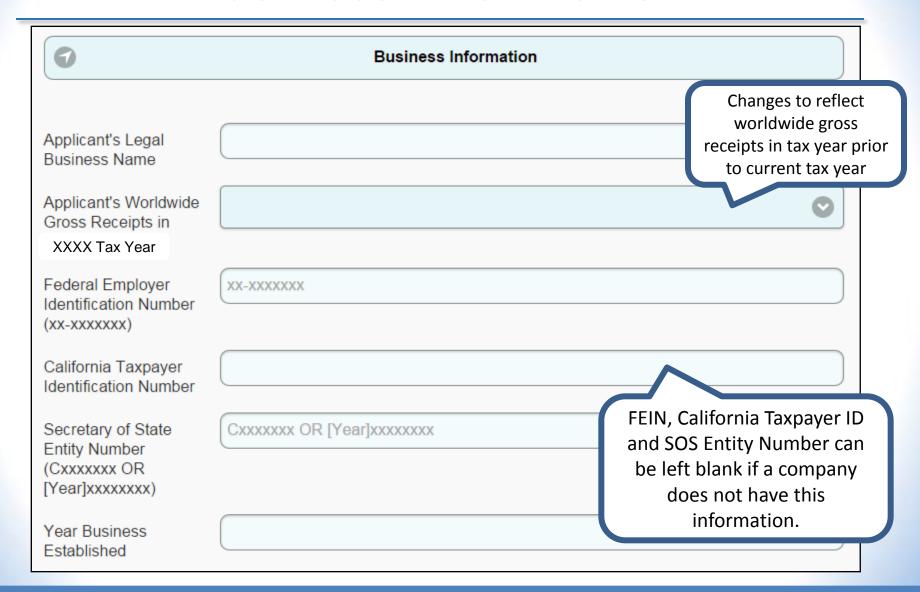
The Application



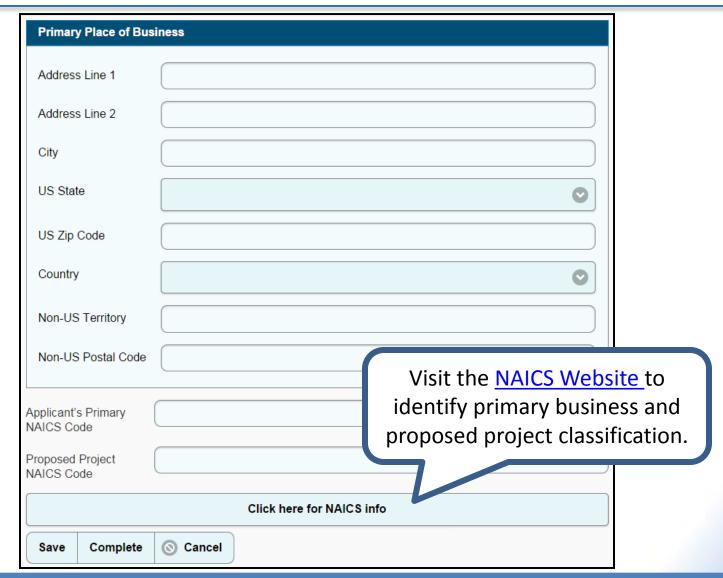
Contact Information



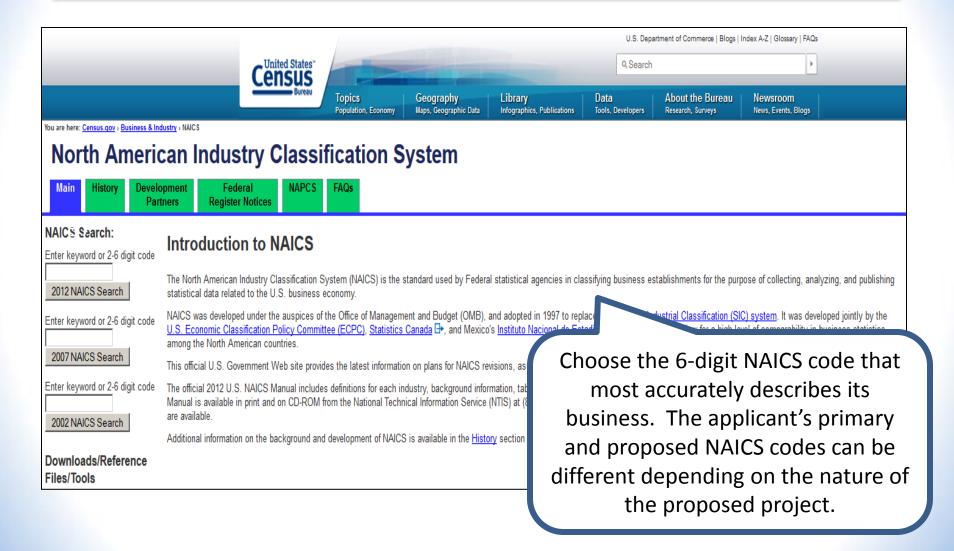
Business Information



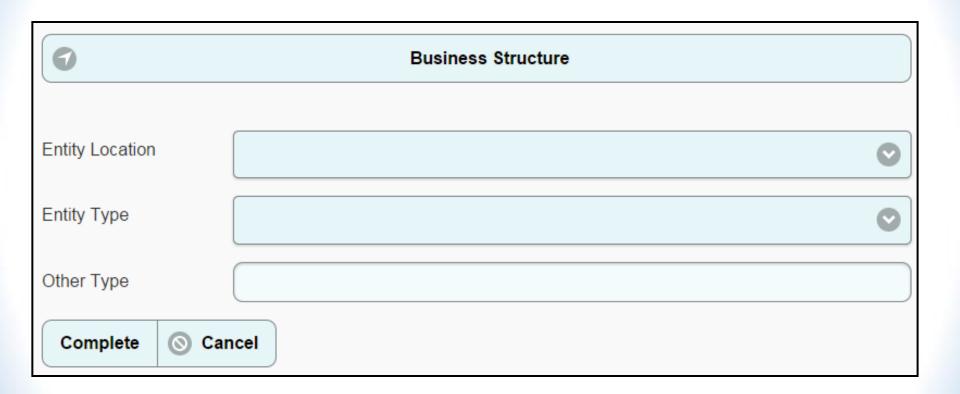
Business Information (Continued)



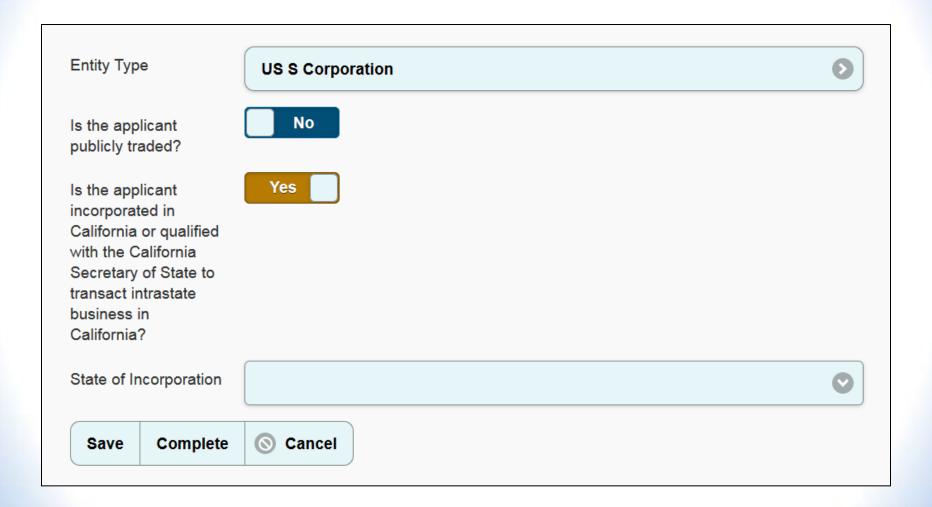
Business Information (Continued)



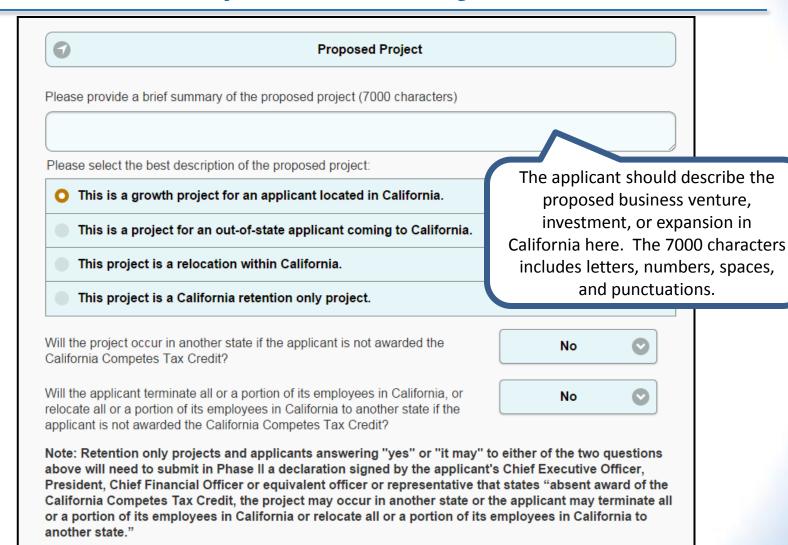
Business Structure



Business Structure (Continued)



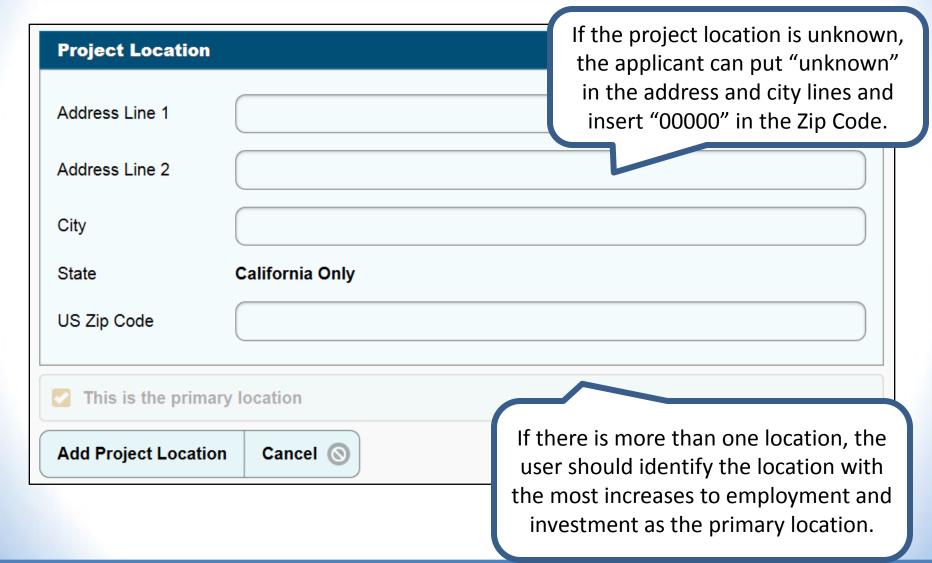
Proposed Project



Proposed Project (Continued)

Is all or a portion of the applicant's proposed increase of employees or investment due to an acquisition of, or merger with, another business?			
Is all or a portion of the applicant's proposed increase of employees due to an employee leasing arrangement with another business?			
Is all or a portion of the applicant's proposed increase of employees due to a reclassification of independent contractors or conversion of employees employed by any type of temporary services provider?			
Is all or a portion of the applicant's proposed increase of employees due to a transfer of employees from any member of a "controlled group of corporations" (as defined in Revenue and Taxation Code section 23626) in which the applicant is a member?			
Is all or a portion of the applicant's proposed investment due to a conversion from a lease to a purchase or vice versa of real or personal property it already controls or has already acquired?			
Total Amount of California Competes Tax Credit Requested (\$)			
(Whole number, from \$20,000 to \$48,673,200)			
Save Complete			

Proposed Locations



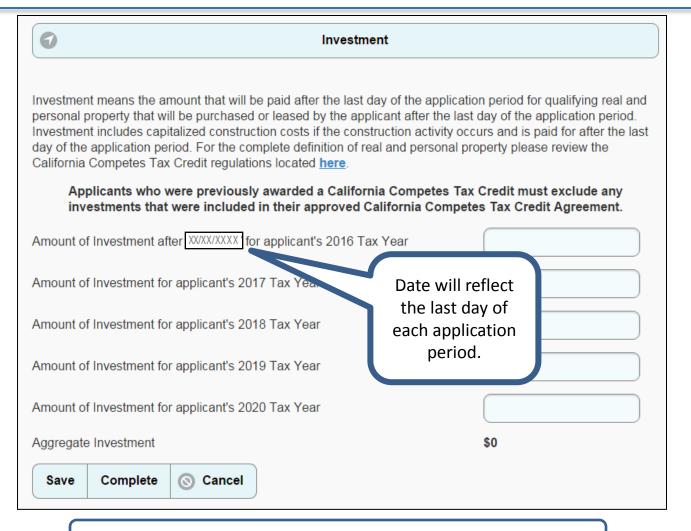
Employees

Note: Tax Year will be adjusted in each application period.

Existing number of full-time employees in California	0
2. Existing number of part-time employees in California	The applicant will need
3. Existing number of full-time employees in the US	payroll records from the taxable year immediately
Existing number of part-time employees in the US	before the applicant's
5. Number of California full-time employees that were hired and that will be hired in the applicant's 2016 tax year	taxable year in which the application is submitted.
6. Minimum annual salary of California full-time employees that were hired and that will be hired in the applicant's 2016 tax year (\$)	
7. Average annual salary of California full-time employees that were hired and that will be hired in the applicant's 2016 tax year (\$)	
Number of California full-time employees that will be hired in the applicant's 2016 tax year after XX/XX/XXXX XX/XX/XXXX XX/XX/XXXXX XX/XX/XXXXX XX/XX/XXXXX XX/XX/XXXXX XX/XX/XXXXXX XX/XX/XXXXXX XX/XX/XXXXXX XX/XX/XXXXXX XX/XX/XXXXXXX XX/XX/XXXXXXXX	

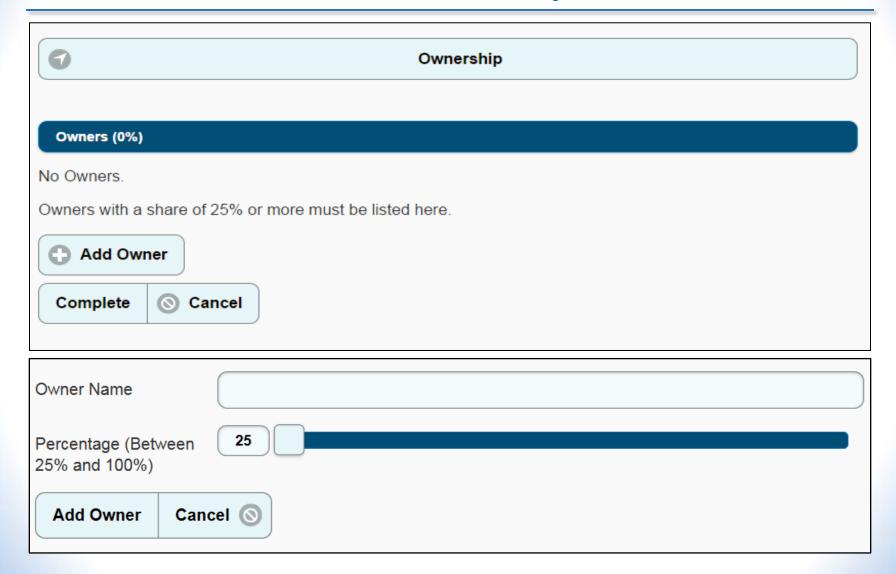
Date will reflect the last day of each application period.

Investment



Note: Tax Year will be adjusted in each application period.

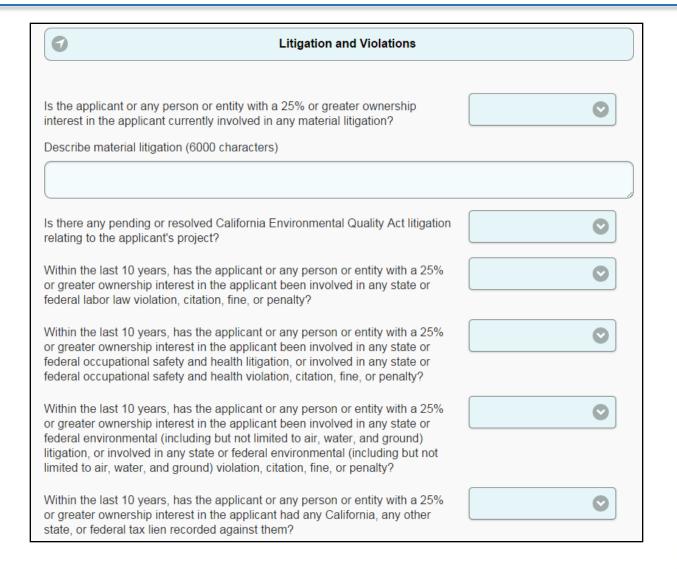
Ownership



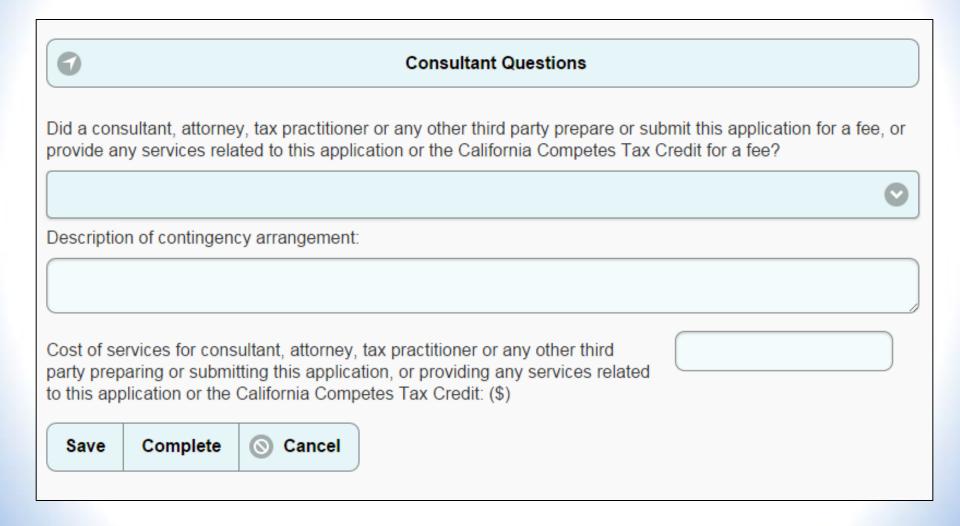
Incentives and Programs



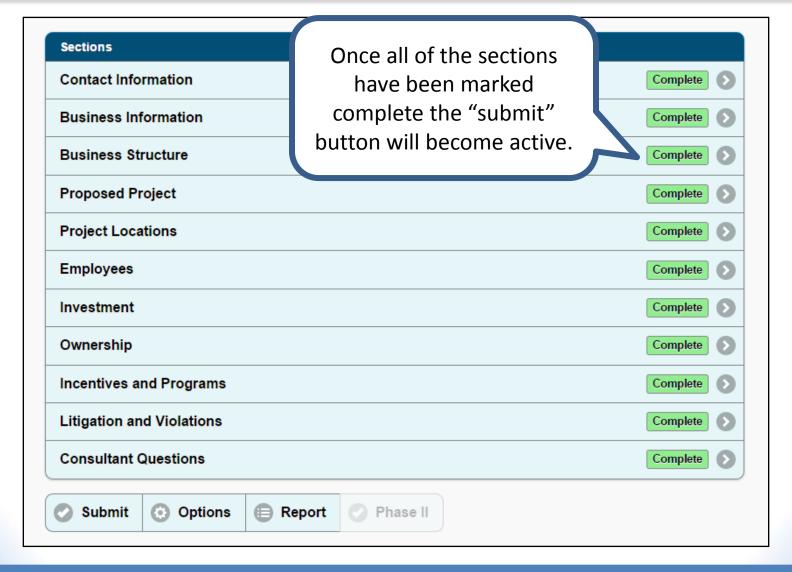
Litigation and Violations



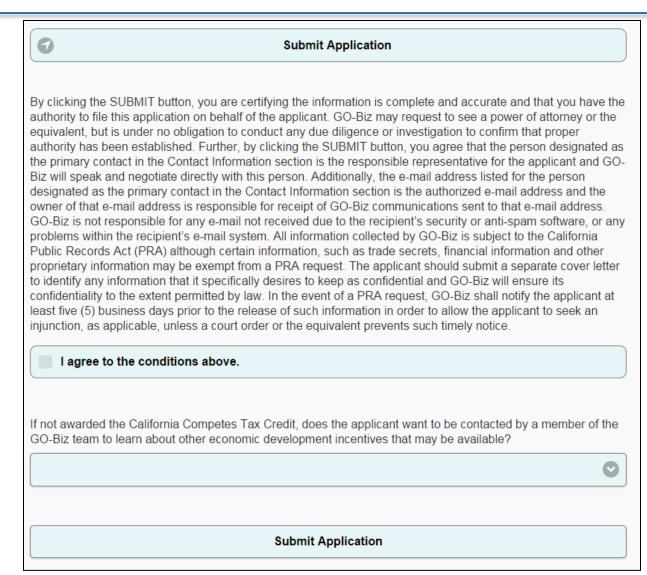
Consultant Questions



Submitting the Application



Submitting the Application (Continued)



Confirmation Email

Subject: Your application was submitted

SUCCESS! Your California Competes Tax Credit application has been received by the Governor's Office of Business and Economic Development (GO-Biz). Please retain this e-mail for your records. Applicants that are moving onto Phase II, will be contacted by GO-Biz and further information as set forth in Title 10, Section 8030(g) of the California Code of Regulations will be requested.

Example Application

Widget Manufacturing LLC is a small business

- Currently has 5 full-time and 2 part-time employees
- Will hire 3 full-time hourly employees in its 2016 tax year that are anticipated to work half of the year (875 hours) and will be paid \$35,000, \$40,000, and \$45,000 on an annualized basis
- Will hire 1 salaried employee at start of 2018 (\$80,000)
- Will invest \$100,000 in 2017 and \$75,000 in 2018

Example Application

Widget Manufacturing LLC

	Current	2016	2017	2018	2019	2020
Total Employees	5	8	8	9	9	9
Full-Time Hires		3		1		
Projected Hours/Weeks for AFTE Increase		2,625 Hours		50 Weeks		
Increase in AFTE		1.5		1		
Part Time*	2	-	-	-	-	-
Investments			\$100,000	\$75,000		
Minimum Wage		\$35,000		\$80,000		
Average Wage		\$40,000		\$80,000		

Project Description



Proposed Project

Please provide a brief summary of the proposed project (7000 characters)

We are a small widget manufacturer located in the city of Anonymous. For the last five years, we have steadily increased our customer base. We have started getting orders from customers in neighboring counties and need to expand our manufacturing and delivery capacity. Award of this credit will enable us to purchase more efficient manufacturing equipment and three new delivery vehicles. Tied to this investment, we will hire three full-time hourly employees and a full-time salaried manager.

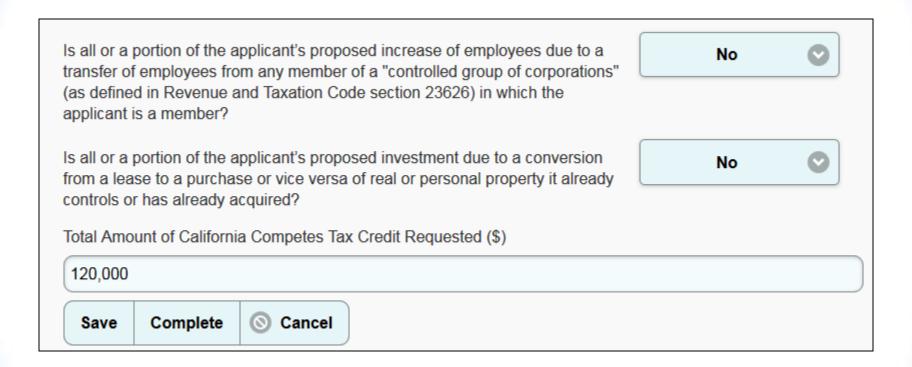
Please select the best description of the proposed project:

- This is a growth project for an applicant located in California.
- This is a project for an out-of-state applicant coming to California.
- This project is a relocation within California.
- This project is a California retention only project.

Project Description (Continued)

Will the project occur in another state if the applicant is not awarded the No California Competes Tax Credit? Will the applicant terminate all or a portion of its employees in California, or No relocate all or a portion of its employees in California to another state if the applicant is not awarded the California Competes Tax Credit? Note: Retention only projects and applicants answering "yes" or "it may" to either of the two questions above will need to submit in Phase II a declaration signed by the applicant's Chief Executive Officer, President, Chief Financial Officer or equivalent officer or representative that states "absent award of the California Competes Tax Credit, the project may occur in another state or the applicant may terminate all or a portion of its employees in California or relocate all or a portion of its employees in California to another state." Is all or a portion of the applicant's proposed increase of employees or No investment due to an acquisition of, or merger with, another business? Is all or a portion of the applicant's proposed increase of employees due to an No employee leasing arrangement with another business? Is all or a portion of the applicant's proposed increase of employees due to a No reclassification of independent contractors or conversion of employees employed by any type of temporary services provider?

Project Description (Continued)



Employees

Existing number of full-time employees in California	5
2. Existing number of part-time employees in California	2
3. Existing number of full-time employees in the US	5
4. Existing number of part-time employees in the US	2
5. Number of California full-time employees that were hired and that will be hired in the applicant's 2016 tax year	3
6. Minimum annual salary of California full-time employees that were hired and that will be hired in the applicant's 2016 tax year (\$)	35,000
7. Average annual salary of California full-time employees that were hired and that will be hired in the applicant's 2016 tax year (\$)	40,000
8. Number of California full-time employees that will be hired in the applicant's 2016 tax year after XX/XX/XXXX	3

Date will reflect the last day of each application period.

9. Number of California full-time employees that will be hired in the applicant's 2017 tax year	0
10. Minimum annual salary of California full-time employees that will be hired in the applicant's 2017 tax year (\$)	0
11. Average annual salary of California full-time employees that will be hired in the applicant's 2017 tax year (\$)	0
12. Number of California full-time employees that will be hired in the applicant's 2018 tax year	1
13. Minimum annual salary of California full-time employees that will be hired in the applicant's 2018 tax year (\$)	80,000
14. Average annual salary of California full-time employees that will be hired in the applicant's 2018 tax year (\$)	80,000

15. Number of California full-time employees that will be hired in the applicant's 2019 tax year	0
16. Minimum annual salary of California full-time employees that will be hired in the applicant's 2019 tax year (\$)	0
17. Average annual salary of California full-time employees that will be hired in the applicant's 2019 tax year (\$)	0
18. Number of California full-time employees that will be hired in the applicant's 2020 tax year	0
19. Minimum annual salary of California full-time employees that will be hired in the applicant's 2020 tax year (\$)	0
20. Average annual salary of California full-time employees that will be hired in the applicant's 2020 tax year (\$)	0
21. Has the applicant previously been awarded a California Competes Tax Credit?	No

Base Year Calculation

- 22. Number of hourly full-time employees the applicant employed in California for 1,750 hours or more during the applicant's 2015 tax year
- 23. Number of salaried full-time employees the applicant employed in California for 50 weeks or more during the applicant's 2015 tax year
- 24. Number of hourly full-time employees the applicant employed in California for less than 1,750 hours during the applicant's 2015 tax year
- 25. Total number of hours worked by the employees in question 24
- 26. Number of salaried full-time employees the applicant employed in California for less than 50 weeks during the applicant's 2015 tax year
- 27. Total number of weeks worked by the employees in question 26

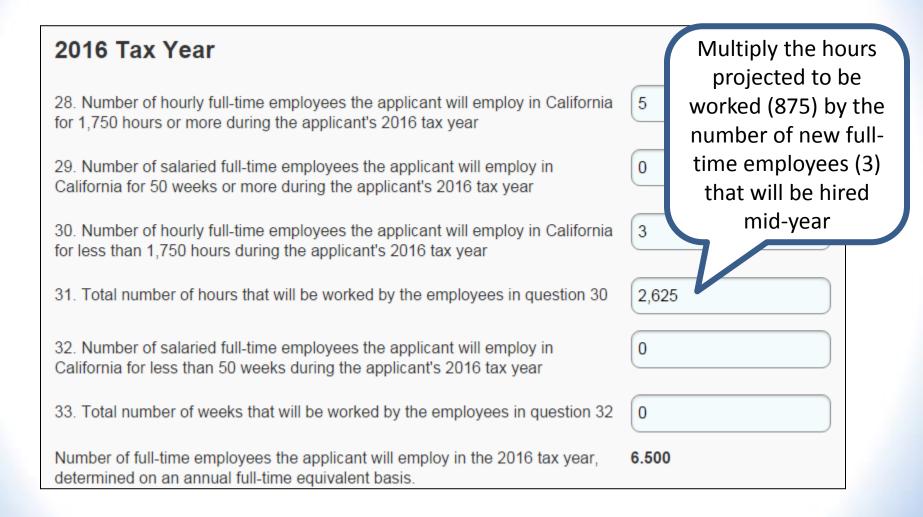
Number of full-time employees the applicant employed in the base year, determined on an annual full-time equivalent basis.

Remember parttime employees do
not qualify under
the annual full-time
equivalent
calculation

5

0

5.000



2017 Tax Year	
34. Number of hourly full-time employees the applicant will employ in California for 1,750 hours or more during the applicant's 2017 tax year	8
35. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2017 tax year	0
36. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2017 tax year	0
37. Total number of hours that will be worked by the employees in question 36	0
38. Number of salaried full-time employees the applicant will employ in California for less than 50 weeks during the applicant's 2017 tax year	0
39. Total number of weeks that will be worked by the employees in question 38	0
Number of full-time employees the applicant will employ in the 2017 tax year, determined on an annual full-time equivalent basis.	8.000

2018 Tax Year	
40. Number of hourly full-time employees the applicant will employ in California for 1,750 hours or more during the applicant's 2018 tax year	8
41. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2018 tax year	1
42. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2018 tax year	0
43. Total number of hours that will be worked by the employees in question 42	0
44. Number of salaried full-time employees the applicant will employ in California for less than 50 weeks during the applicant's 2018 tax year	0
45. Total number of weeks that will be worked by the employees in question 44	0
Number of full-time employees the applicant will employ in the 2018 tax year, determined on an annual full-time equivalent basis.	9.000

2019 Tax Year	
46. Number of hourly full-time employees the applicant will employ in California for 1,750 hours or more during the applicant's 2019 tax year	8
47. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2019 tax year	1
48. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2019 tax year	0
49. Total number of hours that will be worked by the employees in question 48	0
50. Number of salaried full-time employees the applicant will employ in California for less than 50 weeks during the applicant's 2019 tax year	0
51. Total number of weeks that will be worked by the employees in question 50	0
Number of full-time employees the applicant will employ in the 2019 tax year, determined on an annual full-time equivalent basis.	9.000

2020 Tax Year				
52. Number of hourly full-time employees the applicant will employ in California for 1,750 hours or more during the applicant's 2020 tax year	8			
53. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2020 tax year	1			
54. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2020 tax year	0			
55. Total number of hours that will be worked by the employees in question 54	0			
56. Number of salaried full-time employees the applicant will employ in California for less than 50 weeks during the applicant's 2020 tax year				
57. Total number of weeks that will be worked by the employees in question 56	0			
Number of full-time employees the applicant will employ in the 2020 tax year, determined on an annual full-time equivalent basis.	9.000			
Aggregate Employee Compensation	\$780,000			
Complete				

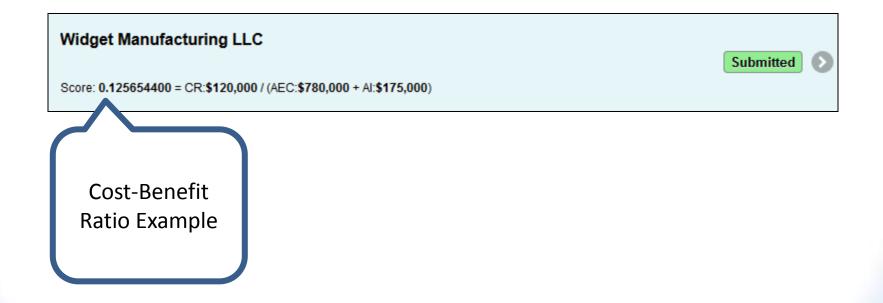
Investment

Investment means the amount that will be paid after the last day of the application period for qualifying real and personal property that will be purchased or leased by the applicant after the last day of the application period. Investment includes capitalized construction costs if the construction activity occurs and is paid for after the last day of the application period. For the complete definition of real and personal property please review the California Competes Tax Credit regulations located here.

Applicants who were previously awarded a California Competes Tax Credit must exclude any investments that were included in their approved California Competes Tax Credit Agreement.

Amount of Investment after XX/XX/XXXX for applicant's 2016 Tax Year	0		
Amount of Investment for applicant's 2017 Tax Date will reflect the last day of each application period.	100,000		
Amount of Investment for applicant's 2018 Tax Year	75,000		
Amount of Investment for applicant's 2019 Tax Year	0		
Amount of Investment for applicant's 2020 Tax Year	0		
Aggregate Investment	\$175,000		
Complete			

My Application



Historical Ratios

FISCAL YEAR	BUSINESSES OTHER THAN SMALL	SMALL BUSINESSES
2015-16 1 st period	.1449	.2016
2015-16 2 nd period	.0653	N/A
2015-16 3 rd period	.1242	.1737

This information is updated after every application period and can be found online at www.business.ca.gov/calcompetes.aspx under Frequently Asked Questions.

Contractual Milestones / Credit Allocation

Taxpayer: Widget Manufacturing LLC

Taxpayerr	Wiageti						
	2015 Tax Year (Base)	2016 Tax Year	2017 Tax Year	2018 Tax Year	2019 Tax Year	2020 Tax Year	Total
Total California Full- Time Employees ¹	5	6.5	8	9	9	9	Tax Years will va if you are a fisc or calendar file
Net Increase of Full- Time Employees Compared to the Base Year		1.5	3	4	4	4	
Minimum Annual Salary of California Full-Time Employees Hired		\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	
Cumulative Average Annual Salary of California Full-Time Employees Hired		\$40,000	\$40,000	\$50,000	\$50,000	\$50,000	
Investments		\$0	\$100,000	\$75,000	\$0	\$0	\$175,000
Tax Credit Allocation		\$24,000	\$24,000	\$24,000	\$24,000	\$24,000	\$120,000

¹ Determined on an annual full-time equivalent basis

California Competes Tax Credit

Questions?



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