

GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT



STATE OF CALIFORNIA • OFFICE OF GOVERNOR GAVIN NEWSOM

California Competes Tax Credit Application Workshop

Fiscal Year 2021-2022





Agenda

California Competes Tax Credit Program

- Program Information
- Evaluation Criteria
- Application Deadlines, Process, and Guide
- Example
- Q&A

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 12 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
- Training opportunities offered to employees

California Competes Tax Credit (Continued)

GO-Biz is also required to evaluate the extent to which the credit will influence the applicant's ability and/or willingness to create new full-time jobs in California that might not otherwise be created by the applicant or another California business

- How will this credit and more specifically the amount of credit being requested factor into the applicant's ability or willingness to expand in California?
- The Frequently Asked Questions on the GO-Biz website provide additional guidance.

California Competes Tax Credit Availability

Amount of Credits Available

\$180 million per fiscal year 2018/19 through 2022/23

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

Application Periods

A total of \$394,707,469 in California Competes Tax Credit is available for allocation in the 2021-2022 fiscal year. The Director of GO-Biz sets the application periods each fiscal year:

Fiscal Year 2021-2022

July 26, 2021 - August 16, 2021

\$150 million available

January 3, 2022 - January 24, 2022

\$140 million available

March 7, 2022 – March 28, 2022

\$104.7 million plus any unallocated remaining amounts

Application Process

- Online application submission: https://www.calcompetes.ca.gov
- Notices and technical assistance:
 https://business.ca.gov/california-competes-tax-credit/
- Unsuccessful applicants may resubmit applications 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 nine 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

There will be a review of the top 200% of applicants

Exemptions to the Phase I Calculation

GO-Biz may move an application to Phase II, regardless of ratio the applicant certifies that:

- a. absent award of the credit, the applicant's project may/will occur in another state, or the applicant may/will terminate or relocate all or a portion of its employees to another state, or
- b. at least 75% of the applicant's net increase of full-time employees work at least 75% of the time in an area of high unemployment or high poverty

High Poverty and Unemployment Areas

High Poverty Area

 A city and/or county within California with a poverty rate of at least 150% of the California statewide poverty rate per the most recently updated data available from the U.S. Census Bureau's American Community Survey thirty days prior to the first day of the applicable application period.

High Unemployment Area

 A city and/or county within California with an unemployment rate of at least 150% of the California statewide unemployment rate per the most recently updated data available from the California Employment Development Department thirty days prior to the first day of the applicable application period.

A list of qualifying high unemployment and high poverty areas will be posted on the California Competes website approximately 30 days prior to the close of an upcoming application period.

Phase II Evaluation

- Phase I information
- Extent of unemployment/poverty
- Economic impact
- Number of retained employees
- Opportunity for growth/expansion
- Other incentives available
- Wages/benefits
- Strategic importance
- Training opportunities offered to employees
- 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, Inc.

тахрауст.	2020 Tax	2021 Tax	2022 Tax	2023 Tax	2024 Tax	2025 Tax	
	Year (Base)	Year	Year	Year	Year	Year	Total
Total California Full-Time Employees ¹	48	56	78	84	88	88	
Net Increase of Full-Time Employees Compared to the Base Year		8	30	36	40	40	
Minimum Annual Wage of California Full-Time Employees Hired		\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	
Cumulative Average Annual Wage of California Full-Time		\$40,000	\$40,000	\$50,000	\$50,000	\$50,000	
Investments		\$0	\$10,000,000	\$7,660,000	\$0	\$0	\$17,660,000
Tax Credit Allocation		\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$800,000

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



For a list of all awardees, visit the awardee list.

Oversight/Accountability

Franchise Tax Board (FTB)

- Access to application and all documentation
- Must review books/records for agreement compliance*

Material Breach

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

^{*} Discretionary for businesses with base year gross receipts under \$2 million

California Competes Application Guide



Fiscal Year 2021-2022



General Definitions				
Project	The applicant's proposed business venture that will result in increased employment/investments in California			
Applicant	The legal name of the business (taxpayer) that is registered with the California Secretary of State or otherwise legally authorized to do business 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 wages of full-time employees on an annual full-time equivalent basis for the current tax year plus four subsequent tax years			
Wages	Is the amount of monetary compensation a full-time employee (whether paid by the hour or a salary) is paid by the applicant per year and does not include tips, overtime, bonuses, commissions, stock options, benefits, or other compensation of any kind. When answering the questions that request the minimum and average wages of California full-time employees to be hired, use the wages the full-time employee(s) would make in a full year of employment, without regard to the projected date of hire			

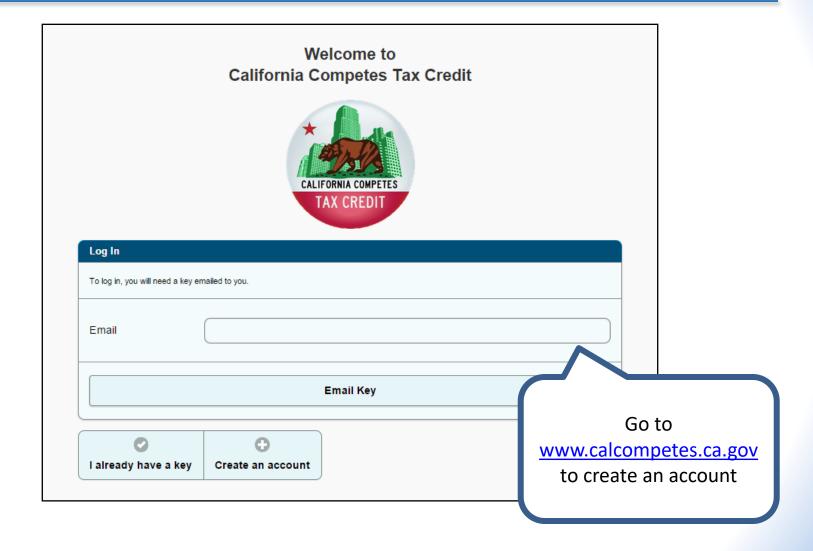


Investment Definitions The amount paid for "real" and "personal" property purchased or leased Investment after the close of the current application period, directly related to the applicant's proposed project. Is any property located in this state that is attached directly to land, as well as the land 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.

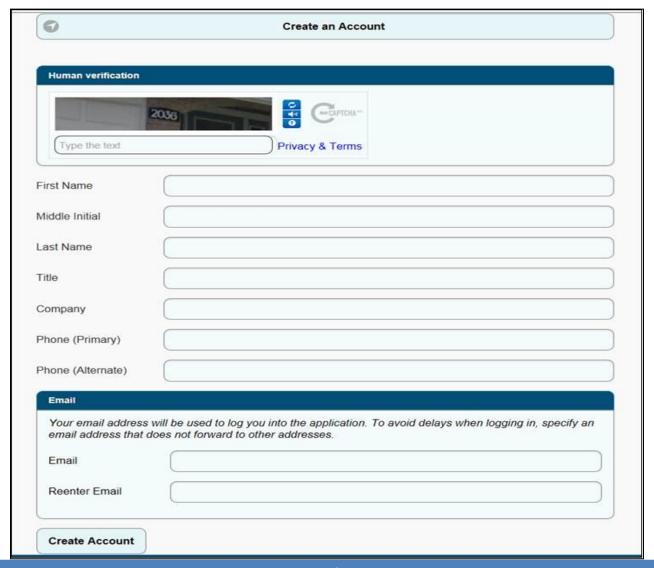
Documents Needed

- ✓ 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 (Continued)

Subject: Cal Competes Login

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

Use this key to log in.

238257

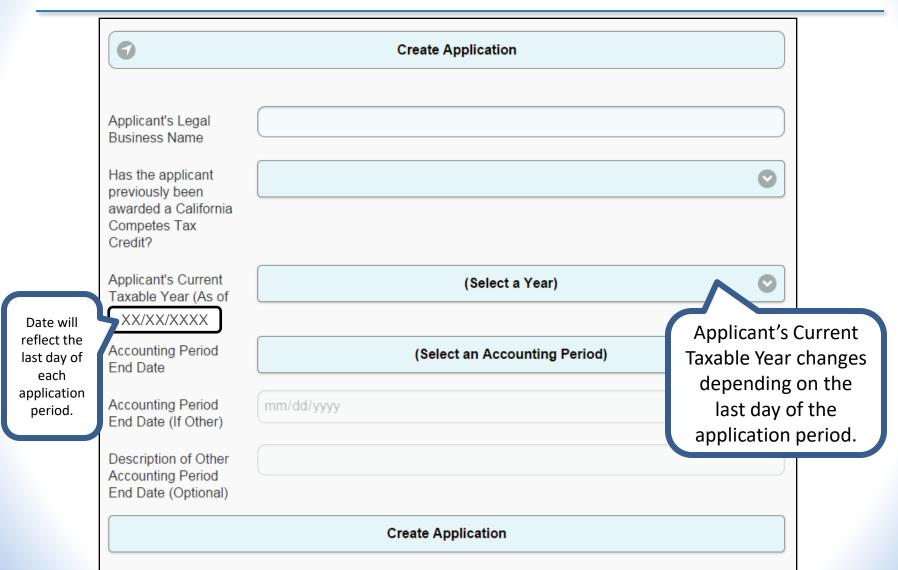
Or just click on this link to log in

 $\frac{https://www.calcompetes.ca.gov/Public/Auth.aspx?id=3-hClslLFtSBtjwhhMgrE9LMK5XealLjBlEO3TZNL3hhdx8HEhib0Ux2F35HbRJlAYB12sv1yXWVX493PDmeM4Y}{}$

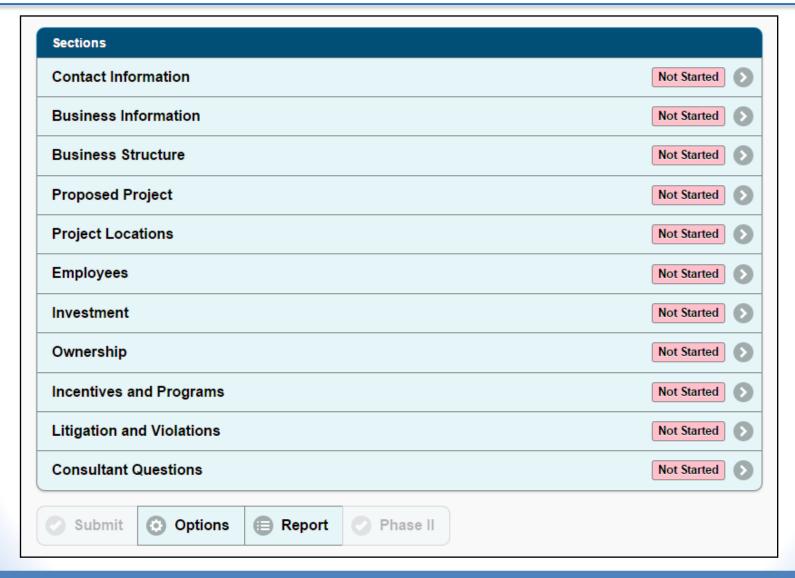
Creating an Application



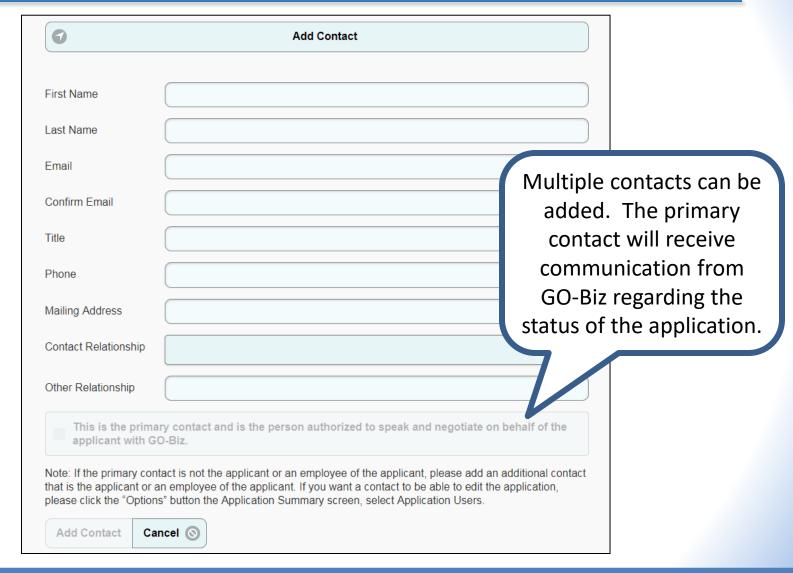
Creating an Application (Continued)



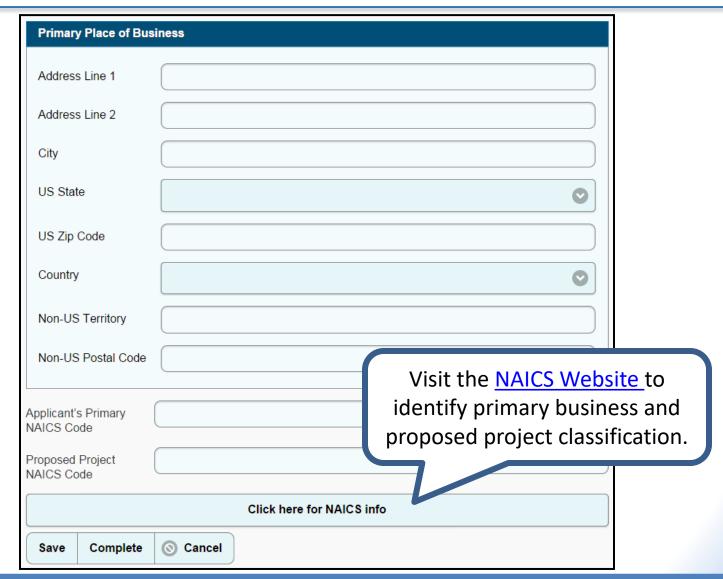
The Application



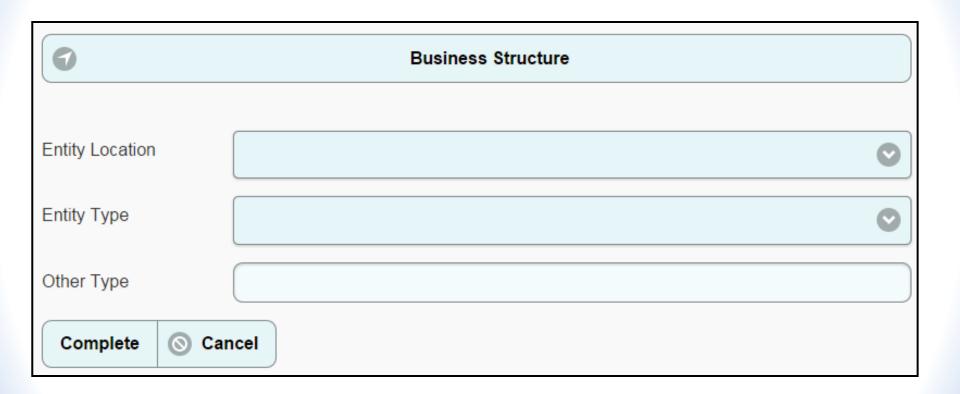
Contact Information



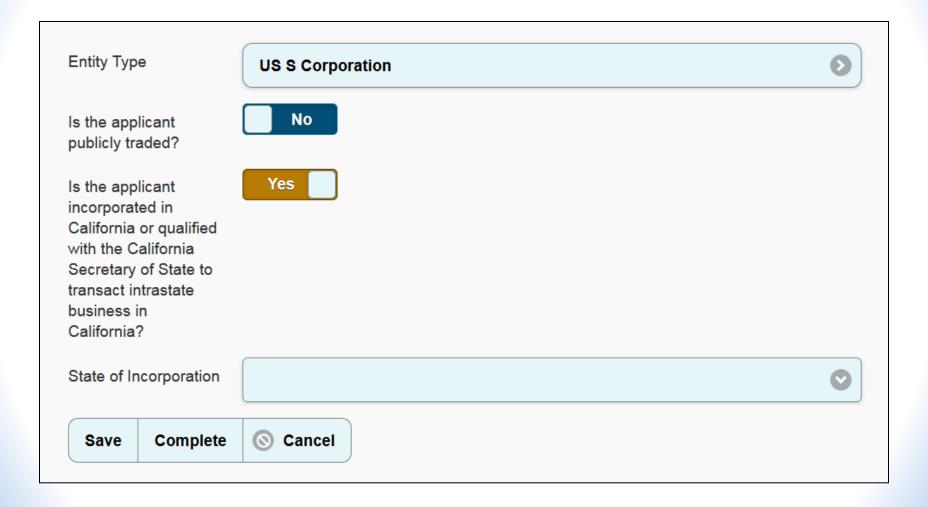
Business Information (Continued)



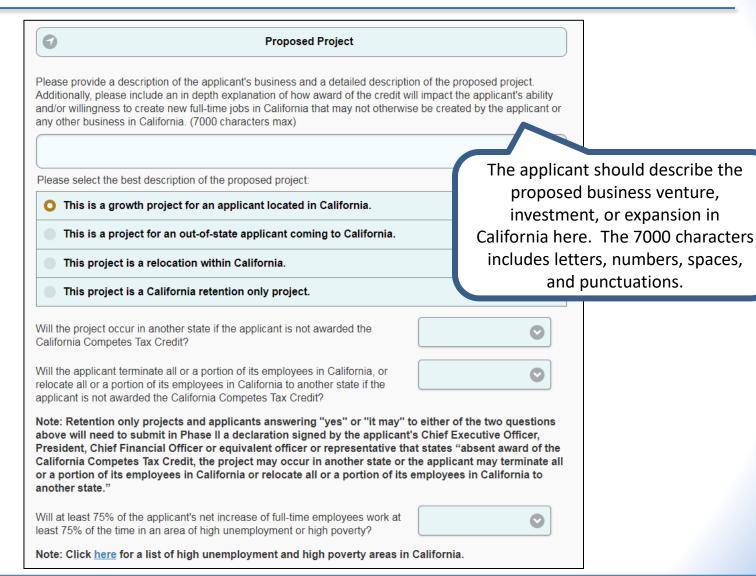
Business Structure



Business Structure (Continued)



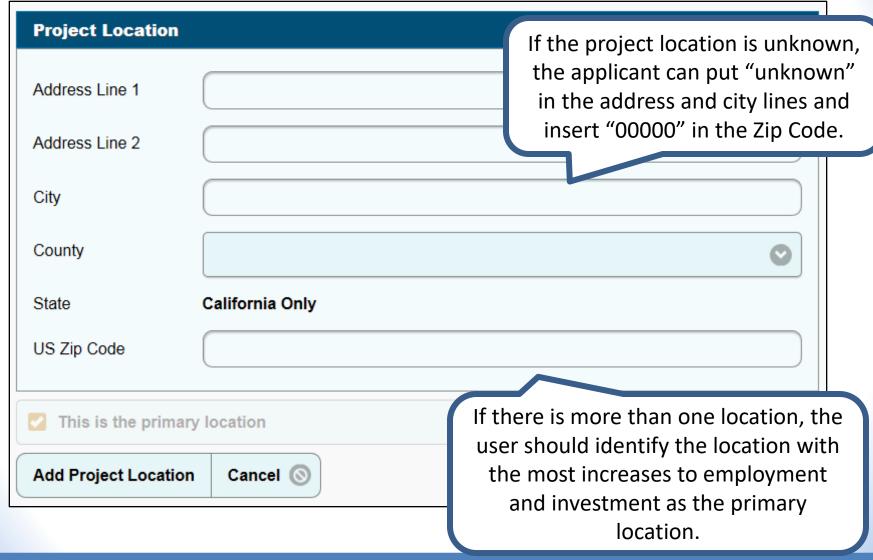
Proposed Project



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?				
Does the applicant currently or plan to use a professional employer organization (PEO) as the employer of record?				
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 (\$)				
Save Complete Sancel				

Proposed Locations



Employees

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

Existing number of full-time employees in California	0
Existing number of part-time employees in California	The applicant will need payroll records from the
3. Existing number of part-time and full-time employees in the US	taxable year immediately
Existing number of part-time and full-time employees worldwide	before the applicant's taxable year in which the
 Number of California full-time employees that were hired and that will be hired in the applicant's 2021 tax year 	application is submitted.
6. Minimum annual wage of California full-time employees that were hired and that will be hired in the applicant's 2021 tax year (\$)	
7. Average annual wage of California full-time employees that were hired and that will be hired in the applicant's 2021 tax year (\$)	
Number of California full-time employees that will be hired in the applicant's 2021 tax year after XX/XX/XXXX	

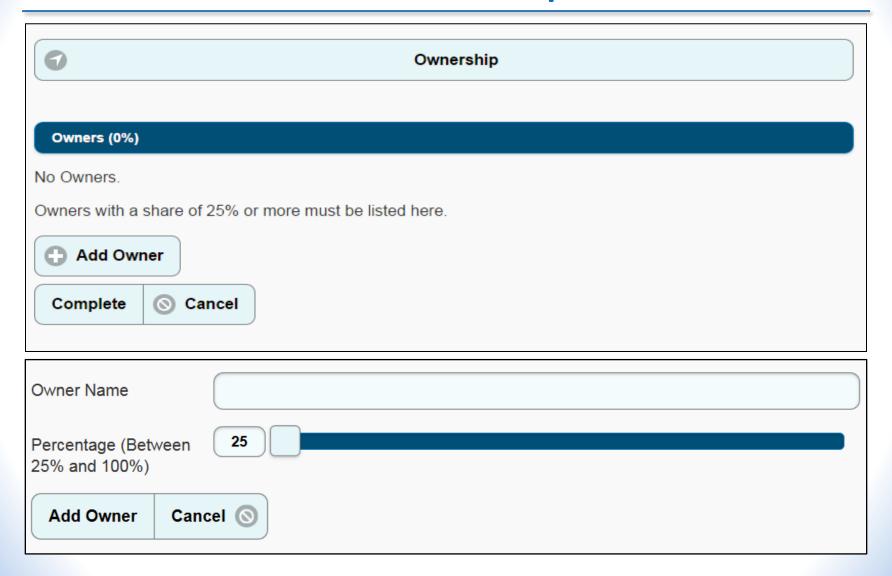
Date will reflect the last day of each application period.

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 sections 8000(bb) and 8000(ee) of 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 \(\frac{\chickset}{\chickset}\chickset{\chickset}{\chickset}\chick Amount of Investment for applicant's 2022 Date will reflect the last day of Amount of Investment for applicant's 2023 Tax Year each application period. Amount of Investment for applicant's 2024 Tax Year Amount of Investment for applicant's 2025 Tax Year Aggregate Investment \$0 Complete Cancel Save

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

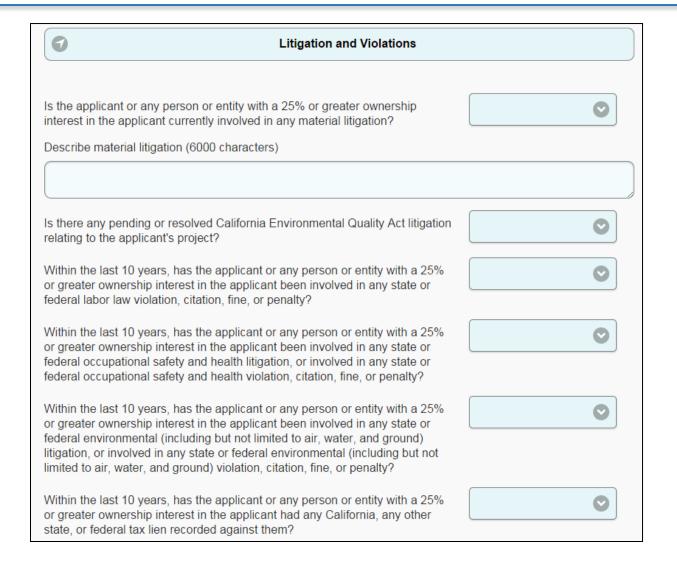
Ownership



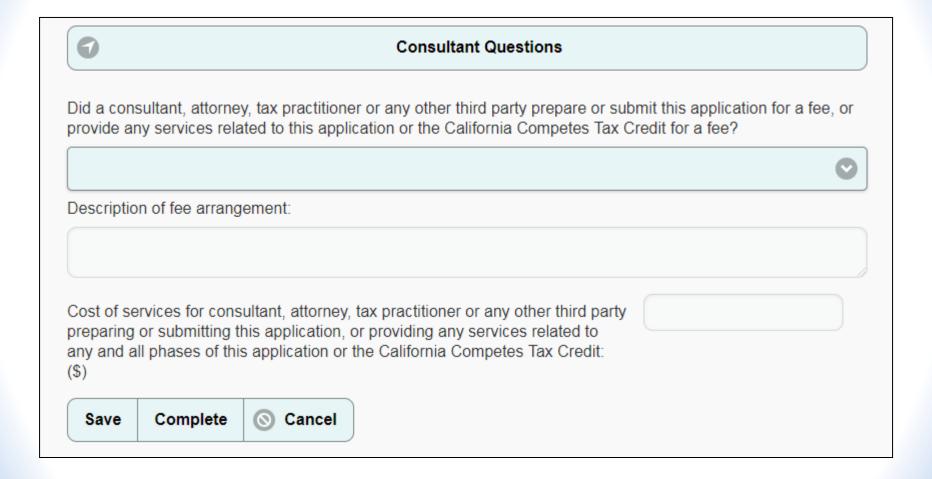
Incentives and Programs



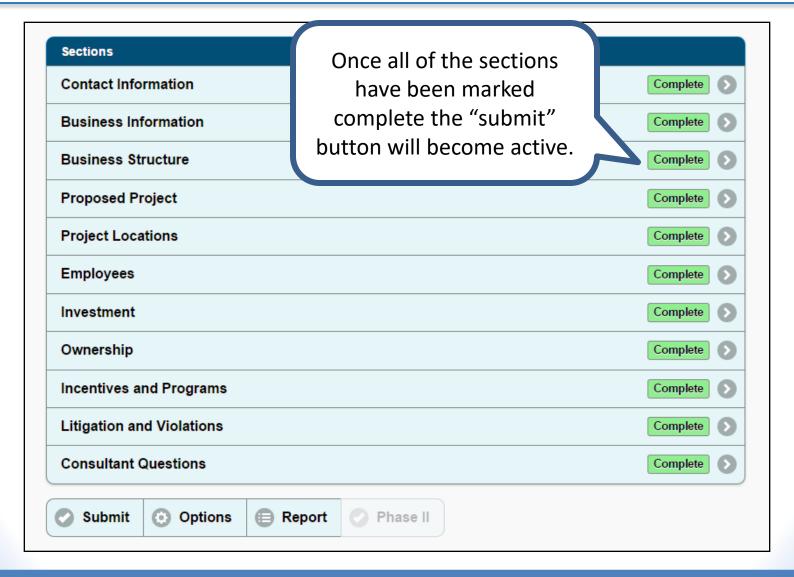
Litigation and Violations



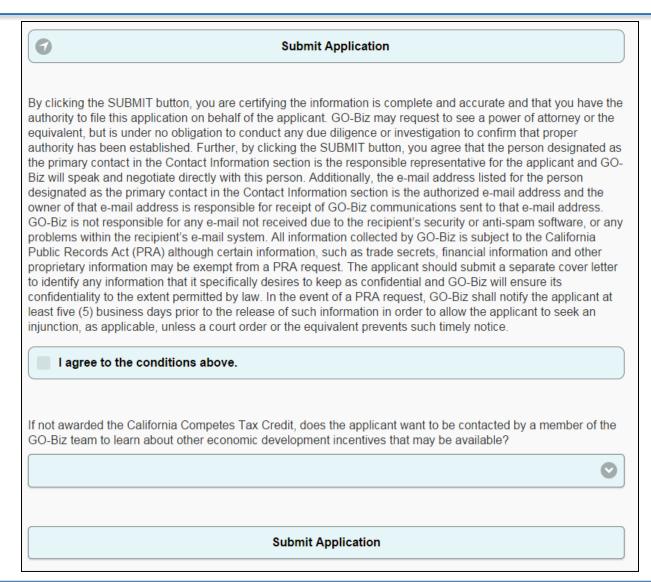
Consultant Questions



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, Inc.

- Currently has 50 full-time and 3 part-time employees
- Will hire 30 full-time hourly employees in its 2021 tax year that will be paid wages of at least \$35,000 and an average of \$40,000 on an annualized basis
- Will hire 10 salaried employees in 2023 (\$80,000)
- Will invest \$10,000,000 in 2022 and \$7,660,000 in 2023

Project Description

Please provide a description of the applicant's business and a detailed description of the proposed project. Additionally, please include an in depth explanation of how award of the credit will impact the applicant's ability and/or willingness to create new full-time jobs in California that may not otherwise be created by the applicant or any other business in California. (7000 characters max)

Widget, Manufacturing, Inc. is a widget manufacturing company located in the city of Anonymous. For the last few years, Widget has experience consistent growth over time as demand for our product increases. our manufacturing facility is currently at capacity, and we must expand to a second location in order to meet our client's demands.

The second facility is expected to cost \$10,000,000 to construct. There will be an additional \$7,660,000 in various manufacturing equipment, vehicles, and computer equipment. We predict the hiring of 40 employees at this location: 30 jobs will be manufacturing workers of varying classifications, and 10 jobs will be management and other executive positions.

For this expansion, Widget is exploring all of its options, including other states in the US. Our clients are located throughout the United States and we do not necessarily have to locate our second facility in California. We have complete an evaluation of options in other states and will provide the details upon request.

If given a credit of \$800,000 over the 5-year period, Widget Manufacturing is willing to commit to opening its second facility in California.

Project Description (Continued)

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om a lease to a purchase or vice versa of real or personal property it already	lo 🖸	
	lo 🖸	
otal Amount of California Competes Tax Credit Requested (\$)		
800,000		

Employees

Existing number of full-time employees in California	50
2. Existing number of part-time employees in California	3
3. Existing number of part-time and full-time employees in the US	53
4. Existing number of part-time and full-time employees worldwide	53
5. Number of California full-time employees that were hired and that will be hired in the applicant's 2021 tax year	30
6. Minimum annual wage of California full-time employees that were hired and that will be hired in the applicant's 2021 tax year (\$)	35,000
7. Average annual wage of California full-time employees that were hired and that will be hired in the applicant's 2021 tax year (\$)	40,000
8. Number of California full-time employees that will be hired in the applicant's 2021 tax year after XX/XX/XXXX	8

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 2022 tax year	0
10. Minimum annual wage of California full-time employees that will be hired in the applicant's 2022 tax year (\$)	0
11. Average annual wage of California full-time employees that will be hired in the applicant's 2022 tax year (\$)	0
12. Number of California full-time employees that will be hired in the applicant's 2023 tax year	10
13. Minimum annual wage of California full-time employees that will be hired in the applicant's 2023 tax year (\$)	80,000
14. Average annual wage of California full-time employees that will be hired in the applicant's 2023 tax year (\$)	80,000

15. Number of California full-time employees that will be hired in the applicant's 2024 tax year	0
16. Minimum annual wage of California full-time employees that will be hired in the applicant's 2024 tax year (\$)	0
17. Average annual wage of California full-time employees that will be hired in the applicant's 2024 tax year (\$)	0
18. Number of California full-time employees that will be hired in the applicant's 2025 tax year	0
19. Minimum annual wage of California full-time employees that will be hired in the applicant's 2025 tax year (\$)	0
20. Average annual wage of California full-time employees that will be hired in the applicant's 2025 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 2020 tax year
- 23. Number of salaried full-time employees the applicant employed in California for 50 weeks or more during the applicant's 2020 tax year
- 24. Number of hourly full-time employees the applicant employed in California for less than 1,750 hours during the applicant's 2020 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 2020 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

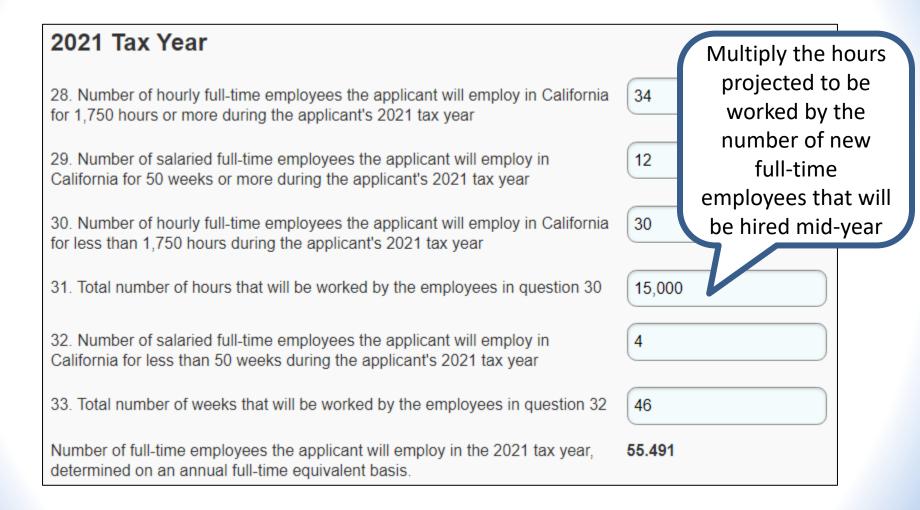
3

48

48.368

5,964

32



2022 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 2022 tax year	64
35. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2022 tax year	14
36. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2022 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 2022 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 2022 tax year, determined on an annual full-time equivalent basis.	78.000

2023 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 2023 tax year	64
41. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2023 tax year	14
42. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2023 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 2023 tax year	10
45. Total number of weeks that will be worked by the employees in question 44	300
Number of full-time employees the applicant will employ in the 2023 tax year, determined on an annual full-time equivalent basis.	84.000

2024 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 2024 tax year	64
47. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2024 tax year	24
48. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2024 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 2024 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 2024 tax year, determined on an annual full-time equivalent basis.	88.000

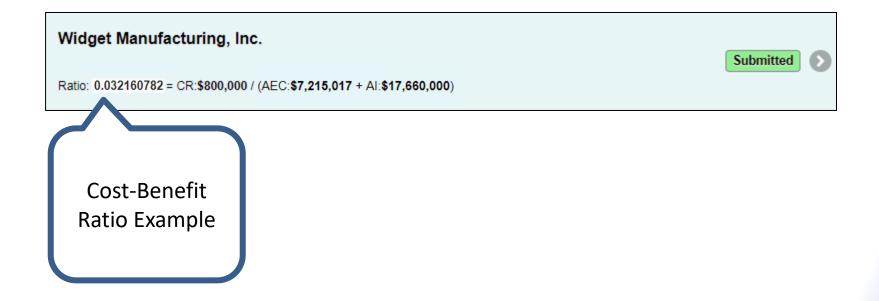
2025 Tax Year			
52. Number of hourly full-time employees the applicant will employ in California for 1,750 hours or more during the applicant's 2025 tax year	64		
53. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2025 tax year	24		
54. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2025 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 2025 tax year	0		
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 2025 tax year, determined on an annual full-time equivalent basis.			
Aggregate Employee Compensation	\$7,215,017		
Save Complete S Cancel			

Investment

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 2021 Tax Year	0
Amount of Investment for applicant's 2022 Tax Year Date will reflect the last day of each application period.	10,000,000
Amount of Investment for applicant's 2023 Tax Year	7,660,000
Amount of Investment for applicant's 2024 Tax Year	0
Amount of Investment for applicant's 2025 Tax Year	0
Aggregate Investment	\$17,660,000
Save Complete	

My Application



Historical Ratios

FISCAL YEAR	RATIO
2019-20 3 rd period	.0860
2020-21 1 st period	.0366
2020-21 2 nd period	.0509
2020-21 3 rd period	.0345

This information is updated after every application period and can be found online at https://business.ca.gov/california-competes-tax-credit/

under Frequently Asked Questions.

Contractual Milestones / Credit Allocation

Taxpayer: Widget Manufacturing, Inc.

Taxpayer: Widget Manufacturing, Inc.							
	2020 Tax	2021 Tax	2022 Tax	2023 Tax	2024 Tax	2025 Tax	Total
	Year (Base)	Year	Year	Year	Year	Year	Total
Total California Full-Time Employees ¹	48	56	78	84	88	88	
Net Increase of Full-Time Employees Compared to the Base Year		8	30	36	40	40	
Minimum Annual Wage of California Full-Time Employees Hired		\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	
Cumulative Average Annual Wage of California Full-Time		\$40,000	\$40,000	\$50,000	\$50,000	\$50,000	
Investments		\$0	\$10,000,000	\$7,660,000	\$0	\$0	\$17,660,000
Tax Credit Allocation		\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$800,000

¹ Determined on an annual full-time equivalent basis

California Competes Tax Credit

Questions?



Apply: www.calcompetes.ca.gov

Email: calcompetes@gobiz.ca.gov

Phone: (916) 322-4051

Governor's Office of Business & Economic Development 1325 J Street, Suite 1800 Sacramento, CA 95814

https://business.ca.gov/california-competes-tax-credit/