

Agenda



Program Information



Example Application



Evaluation Criteria



Questions & Answers



Application Deadlines, Process, & Guide





California Competes Tax Credit

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

Accountability

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



California Competes Program

Awards are based on these 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 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
- Commitment to treating workforce fairly and creating quality, full-time, wage and salary jobs
- Extent to which the credit influences the applicant's decision to relocate jobs into California from states that have enacted laws that:
 - Permit discrimination based on sexual orientation, gender identity, or gender expression; or
 - Deny or interfere with women's reproductive rights



California Competes Program (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* requested factor into the applicant's ability or willingness to expand in California?
- The Frequently Asked Questions on the GO-Biz <u>website</u> provide additional guidance.



California Competes Tax Credit Availability

Amount of Tax Credits Available

\$180 million per fiscal year 2018/19 through 2027/28

Minimum credit request \$20,000

No more than 20% (\$128.9 million) may go to any one applicant per fiscal year



Application Periods

A total of \$644,756,695 in California Competes Tax Credit is available for allocation in the 2024-2025 fiscal year.

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



July 22, 2024 - August 12, 2024

\$215 million in tax credits available



January 6, 2025 - January 27, 2025

\$215 million in tax credits available



February 24, 2025 - March 10, 2025

\$214.7 million in tax credits available, plus any unallocated remaining amounts



Application Process

- Online application submission: <u>https://www.calcompetes.ca.gov</u>
- Notices and technical assistance:
 https://business.ca.gov/california-competes-tax-credit/
- Unsuccessful tax credit applicants may resubmit applications after updating the Employees and Investment sections and Current Tax Year



Application & Award Process

Phase I

- Quantitative analysis
- Cost-benefit ratio



Phase II

Comprehensive evaluation based on 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



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 the ratio, if 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 & 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 <u>website</u> 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
- Opportunities for growth/expansion
- Other incentives available
- Wages & Benefits
- Strategic importance to the state, region, or locality
- Training opportunities offered to employees
- Commitment to treating workforce fairly and creating quality, full-time, wage and salary jobs
- Extent to which the credit influences the applicant's decision to relocate jobs into California from states that have enacted laws that:
 - Permit discrimination based on sexual orientation, gender identity, or gender expression; or
 - Deny or interfere with women's reproductive rights
- Other information requested

Note: Evaluated factors are in no particular order



Agreement & Committee Approval

Terms and conditions of the agreement:

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

Tax credit agreements must be approved by the 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)



Milestone Chart

Taxpayer: Widget Manufacturing, Inc.

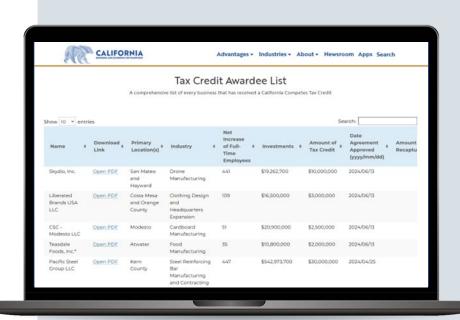
	2024 Tax Year (Base)	2025 Tax Year	2026 Tax Year	2027 Tax Year	2028 Tax Year	2029 Tax Year	Total
Total California Full-Time Employees ¹	48	51	56	66	83	88	
Net Increase of Full-Time Employees Compared to the Base Year		3	8	18	35	40	
Minimum Annual Wage of California Full-Time Employees Hired		\$45,000	\$45,000	\$45,000	\$45,000	\$45,000	
Cumulative Average Annual Wage of California Full-Time Employees Hired		\$60,000	\$60,000	\$60,000	\$64,286	\$67,500	
Investments		\$0	\$10,000,000	\$7,660,000	\$0	\$0	\$17,660,000
Tax Credit Allocation		\$82,500	\$137,500	\$275,000	\$467,500	\$137,500	\$1,100,000

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 tax credit awardees, visit the <u>tax credit</u> awardee list.





Oversight & Accountability

Franchise Tax Board (FTB)

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

Material Breach

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



California Competes Application Guide

Fiscal Year 2024-2025



Key Definitions

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			



Key Definitions

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				



Key Definitions

Investment Definitions

Investment	The amount paid for "real" and "personal" property purchased or leased after the close of the current application period, directly related to the applicant's proposed project.
Real Property	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, right to occupy for a period of time, or an easement across another's 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.
Personal Property	Is property that is tangible, movable property, including, but not limited to, vehicles, movable fixtures, equipment, electronic devices, intangible 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 by the applicant in its prior tax year (i.e., base year)
- √ 5-year business plan, including:
 - Projected number of new full-time employees, their job classifications, and wages
 - Projected amount of new investment

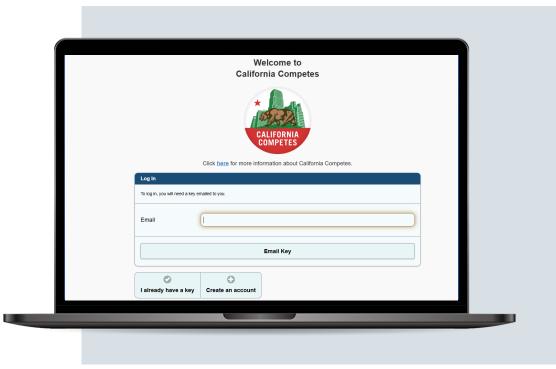


Creating an Account

Go to:

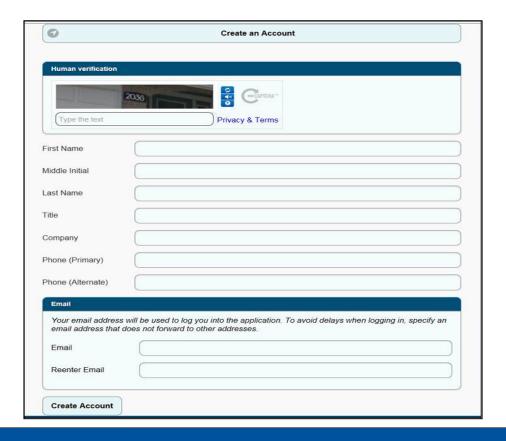
https://www.calcompetes.ca.gov

- 1. Click Create an Account
- 2. Input all information
- 3. Return to Log In Page
- 4. Input Email, Click Email Key





Creating an Account (Continued)





Login

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-

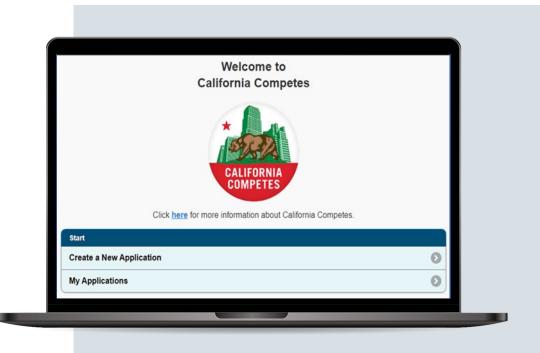
 $\underline{hClslLFtSBtjwhhMgrE9LMK5XealLjBlEO3TZNL3hhdx8HEhib0Ux2F35HbRJlAYB12sv1yXWVX493PDmeM4Y}$



Creating an Application

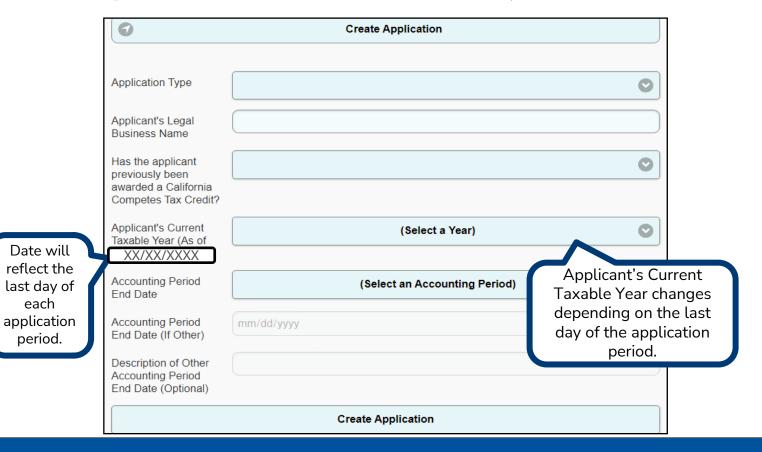
Once logged in:

- Click Create a New Application; or
- 2. Click My Applications to access saved or previously submitted applications



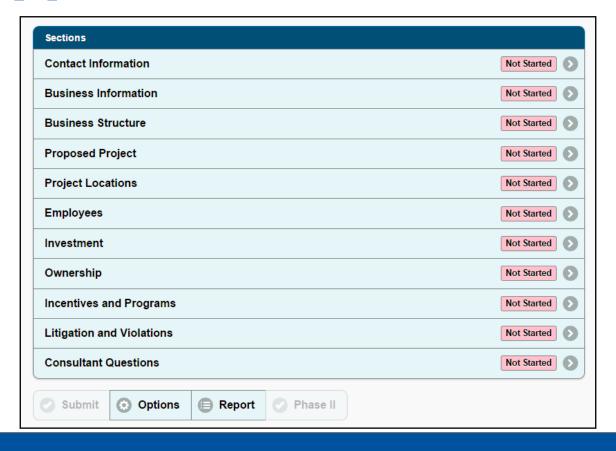


Creating an Application (Continued)



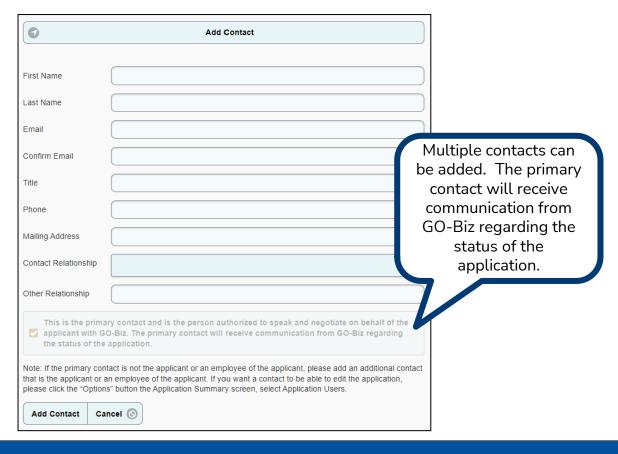


The Application



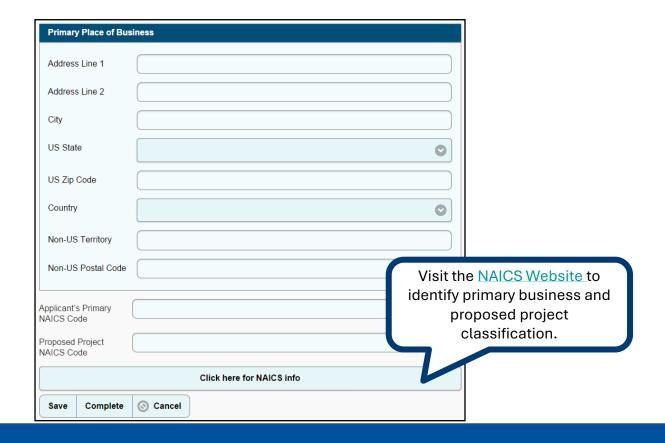


Contact Information



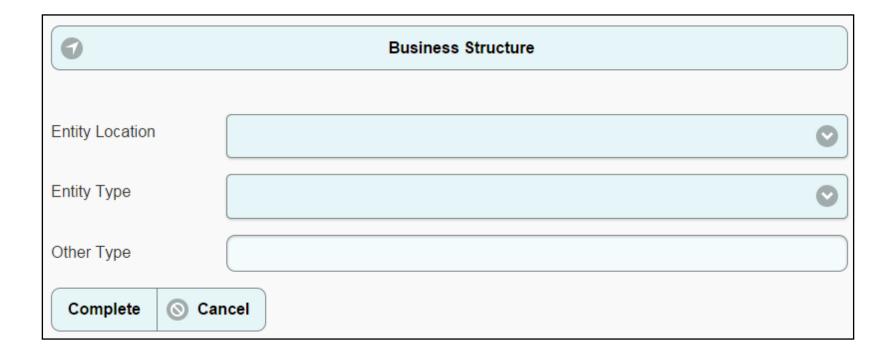


Business Information



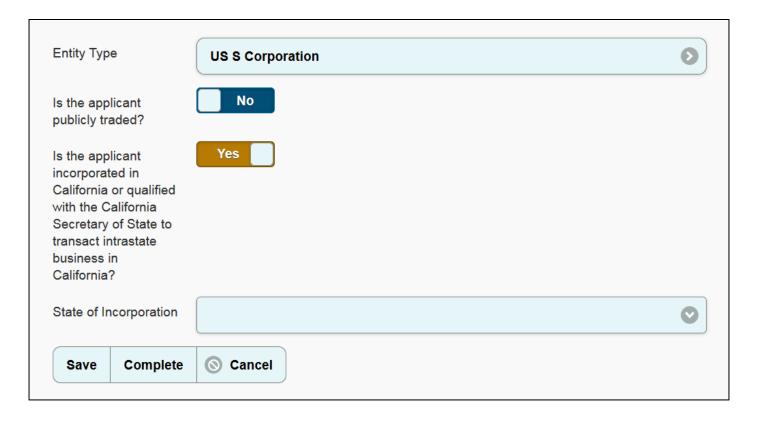


Business Structure



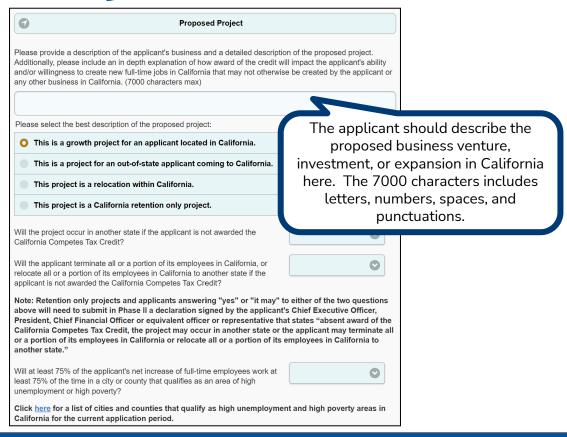


Business Structure (Continued)





Proposed Project





Proposed Project (Continued)

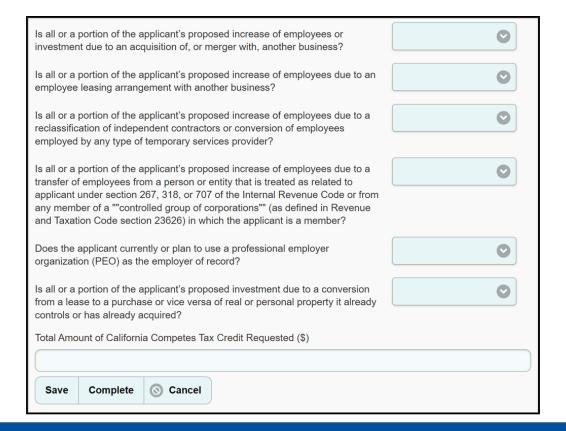
Is the applicant proposing to relocate jobs into California from a state that has enacted a law that does any of the following:



- (i) Voids or repeals, or has the effect of voiding or repealing, existing state protections against discrimination on the basis of sexual orientation, gender identity, or gender expression.
- (ii) Authorizes or requires discrimination against same-sex couples or their families, or discrimination on the basis of sexual orientation, gender identity, or gender expression.
- (iii) Creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families, or permits discrimination on the basis of sexual orientation, gender identity, or gender expression.
- (iv) Denies or interferes with, or has the effect of denying or interfering with, a woman's right to choose to bear a child or to choose and obtain an abortion, as provided by Article 2.5 (commencing with Section 123460) of Chapter 2 of Part 2 of Division 106 of the Health and Safety Code.

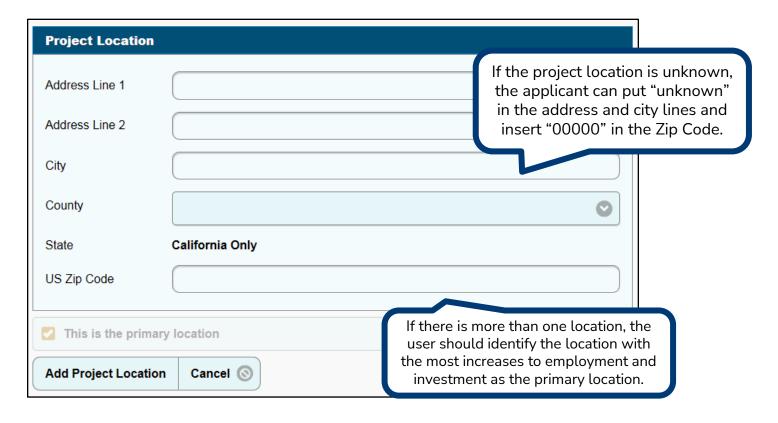


Proposed Project (Continued)





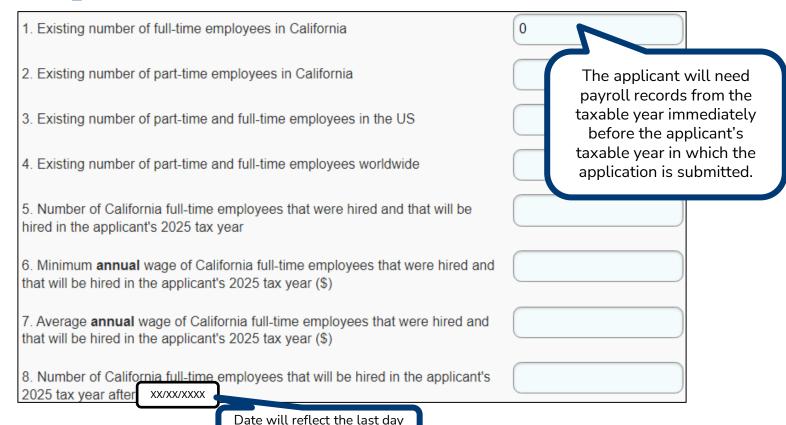
Proposed Locations





Employees

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



of each application period.



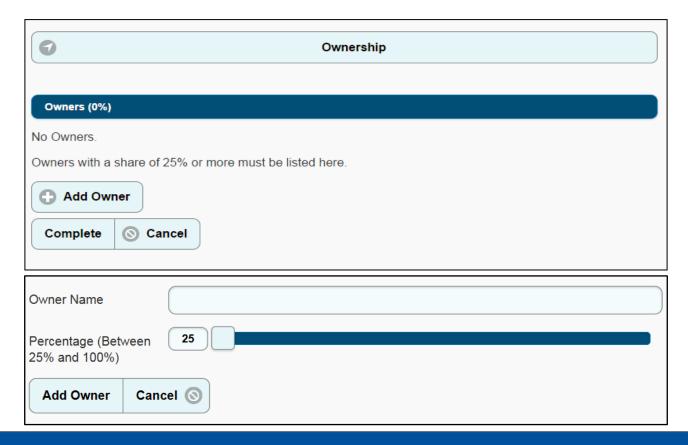
Investment

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

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 or Grant must exclude any investments that were included in their approved California Competes Tax Credit or Grant Agreement. Amount of Investment after xx/xx/xxxx for applicant's 2025 Tax Year Date will reflect Amount of Investment for applicant's 2026 Tax Year the last day of each application Amount of Investment for applicant's 2027 Tax Year period. Amount of Investment for applicant's 2028 Tax Year Amount of Investment for applicant's 2029 Tax Year Aggregate Investment \$0

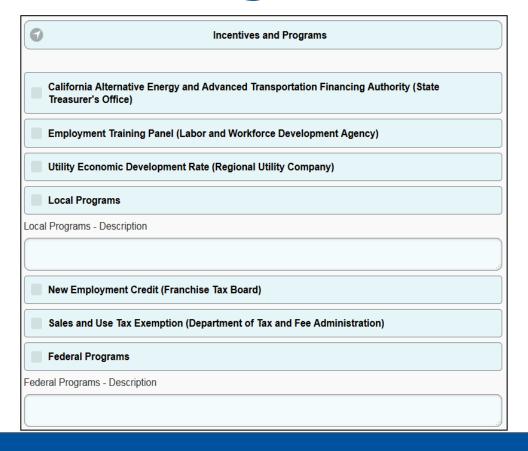


Ownership





Incentives & Programs



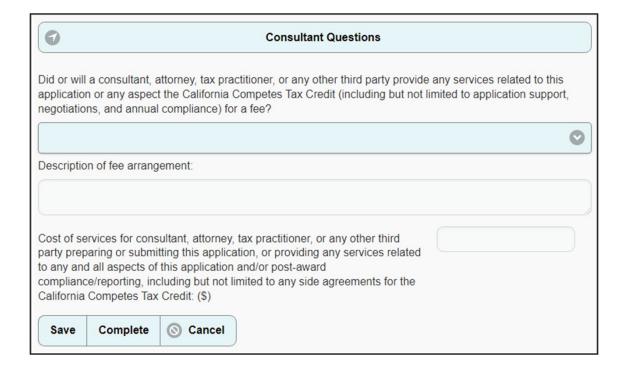


Litigations & Violations

Is the applicant or any person or entity with a 25% or greater ownership interest in the applicant currently involved in any material litigation?	•
Is there any pending or resolved California Environmental Quality Act litigation relating to the applicant's project?	•
Within the last 10 years, has the applicant or any person or entity with a 25% or greater ownership interest in the applicant been involved in any state or federal labor law violation, citation, fine, or penalty?	•
Within the last 10 years, has the applicant or any person or entity with a 25% or greater ownership interest in the applicant been involved in any state or federal occupational safety and health litigation, or involved in any state or federal occupational safety and health violation, citation, fine, or penalty?	•
Within the last 10 years, has the applicant or any person or entity with a 25% or greater ownership interest in the applicant been involved in any state or federal environmental (including but not limited to air, water, and ground) litigation, or involved in any state or federal environmental (including but not limited to air, water, and ground) violation, citation, fine, or penalty?	•
Within the last 10 years, has the applicant or any person or entity with a 25% or greater ownership interest in the applicant had any California, any other state, or federal tax lien recorded against them?	•
Describe material litigation, regulatory violations, and/or tax liens, including how the resolved and steps taken to prevent recurrences (6000 characters)	ne litigation/violations were

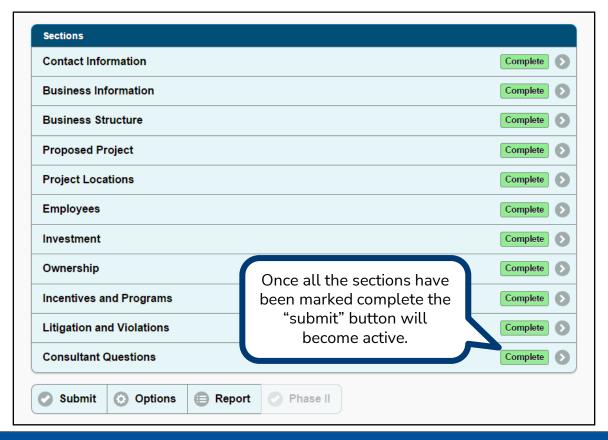


Consultant Questions



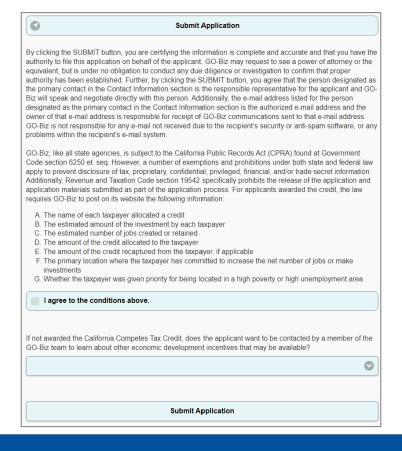


Submitting the Application





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.



Widget Manufacturing, Inc.

Hourly Employees

- Currently has 50 full-time and 3 part-time employees
- Will hire 5 full-time hourly employees in both its 2025 and 2026 tax years. It will hire another 20 full-time hourly employees in its 2027 tax year.
- Hourly employees will be paid wages of at least \$45,000 and an average of \$60,000 on an annualized basis.

Salaried Employees

- Will hire 5 full-time salaried employees in both its 2028 and 2029 tax years.
- Salaried employees will be paid wages of at least \$90,000.

Investments

- Will invest \$10,000,000 purchasing a new facility in its 2026 tax year
- Will invest \$7,660,000 for manufacturing equipment in its 2027 tax year



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 experienced 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 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 completed an evaluation of options in other states and will provide the details upon request. If given a credit of \$1,100,000 over the 5-year period, Widget Manufacturing is willing to commit to opening its second facility in California.



Project Description (Continued)

Is all or a portion of the applicant's proposed increase of employees due to a No transfer of employees from a person or entity that is treated as related to applicant under section 267, 318, or 707 of the Internal Revenue Code or 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 No organization (PEO) as the employer of record? Is all or a portion of the applicant's proposed investment due to a conversion No 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 (\$) 1,100,000 Complete Cancel



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 2025 tax year	5
6. Minimum annual wage of California full-time employees that were hired and that will be hired in the applicant's 2025 tax year (\$)	45,000
7. Average annual wage of California full-time employees that were hired and that will be hired in the applicant's 2025 tax year (\$)	60,000
8. Number of California full-time employees that will be hired in the applicant's 2025 tax year after XX/XX/XXXX	5

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 2026 tax year	5
10. Minimum annual wage of California full-time employees that will be hired in the applicant's 2026 tax year (\$)	45,000
11. Average annual wage of California full-time employees that will be hired in the applicant's 2026 tax year (\$)	60,000
12. Number of California full-time employees that will be hired in the applicant's 2027 tax year	20
13. Minimum annual wage of California full-time employees that will be hired in the applicant's 2027 tax year (\$)	45,000
14. Average annual wage of California full-time employees that will be hired in the applicant's 2027 tax year (\$)	60,000

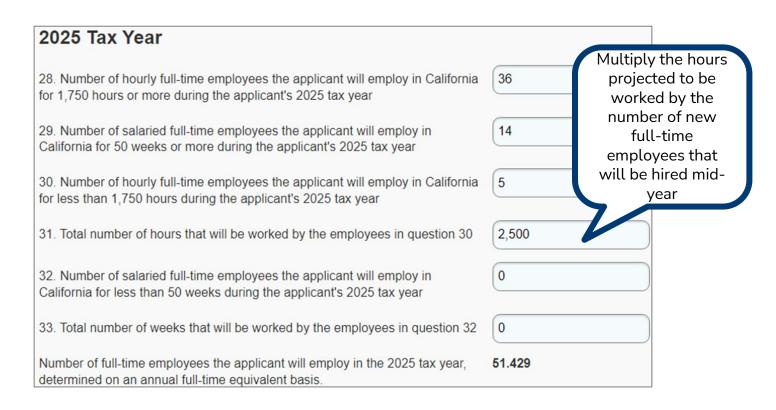


21. Has the applicant previously been awarded a California Competes Tax Credit or Grant?	No, the applicant has not been previously awarded
20. Average annual wage of California full-time employees that will be hired in the applicant's 2029 tax year (\$)	90,000
19. Minimum annual wage of California full-time employees that will be hired in the applicant's 2029 tax year (\$)	90,000
18. Number of California full-time employees that will be hired in the applicant's 2029 tax year	5
17. Average annual wage of California full-time employees that will be hired in the applicant's 2028 tax year (\$)	90,000
16. Minimum annual wage of California full-time employees that will be hired in the applicant's 2028 tax year (\$)	90,000
15. Number of California full-time employees that will be hired in the applicant's 2028 tax year	5



Base Year Calculation 22. Number of hourly full-time employees the applicant employed in California 32 for 1,750 hours or more during the applicant's 2024 tax year 23. Number of salaried full-time employees the applicant employed in 12 California for 50 weeks or more during the applicant's 2024 tax year Remember part-time employees do not 24. Number of hourly full-time employees the applicant employed in California qualify under the for less than 1,750 hours during the applicant's 2024 tax year annual full-time 25. Total number of hours worked by the employees in question 24 5,964 equivalent calculation 26. Number of salaried full-time employees the applicant employed in 3 California for less than 50 weeks during the applicant's 2024 tax year 27. Total number of weeks worked by the employees in question 26 48 Number of full-time employees the applicant employed in the base year. 48.368 determined on an annual full-time equivalent basis.







2026 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 2026 tax year	41
35. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2026 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 2026 tax year	5
37. Total number of hours that will be worked by the employees in question 36	2,500
38. Number of salaried full-time employees the applicant will employ in California for less than 50 weeks during the applicant's 2026 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 2026 tax year, determined on an annual full-time equivalent basis.	56.429



2027 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 2027 tax year	46
41. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2027 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 2027 tax year	20
43. Total number of hours that will be worked by the employees in question 42	10,000
44. Number of salaried full-time employees the applicant will employ in California for less than 50 weeks during the applicant's 2027 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 2027 tax year, determined on an annual full-time equivalent basis.	65.714



2028 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 2028 tax year	66
47. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2028 tax year	14
48. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2028 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 2028 tax year	5
51. Total number of weeks that will be worked by the employees in question 50	150
Number of full-time employees the applicant will employ in the 2028 tax year, determined on an annual full-time equivalent basis.	83.000



2029 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 2029 tax year	66
53. Number of salaried full-time employees the applicant will employ in California for 50 weeks or more during the applicant's 2029 tax year	19
54. Number of hourly full-time employees the applicant will employ in California for less than 1,750 hours during the applicant's 2029 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 2029 tax year	5
57. Total number of weeks that will be worked by the employees in question 56	150
Number of full-time employees the applicant will employ in the 2029 tax year, determined on an annual full-time equivalent basis.	88.000
Aggregate Employee Compensation	\$6,609,549

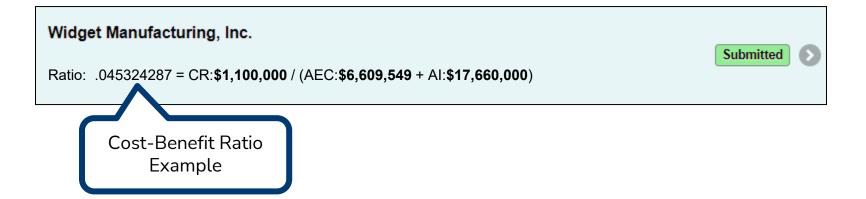


Investment

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 or Grant must exclude any investments that were included in their approved California Competes Tax Credit or Grant Agreement. Amount of Investment after XX/XX/XXXX for applicant's 2025 Tax Year Date will reflect the last 10.000.000 Amount of Investment for applicant's 2026 Tax day of each application period. Amount of Investment for applicant's 2027 Tax Ye 7,660,000 Amount of Investment for applicant's 2028 Tax Year 0 Amount of Investment for applicant's 2029 Tax Year Aggregate Investment \$17,660,000



My Application





Historical Ratios: Tax Credit Program

FISCAL YEAR	RATIO
2023-24 1 st period	.6812
2023-24 2 nd period	.1866
2023-24 3 rd period	.3190
2024-25 1 st period	.3464

This information is updated after every application period and can be found online at https://business.ca.gov/CalCompetes/ under Frequently Asked Questions.



Contractual Milestones & Credit Allocation

Taxpayer: Widget Manufacturing, Inc.

	2024 Tax Year (Base)	2025 Tax Year		2027 Tax Year	2028 Tax Year	2029 Tax Year	Total
Total California Full-Time Employees ¹	48	51	56	66	83	88	
Net Increase of Full-Time Employees Compared to the Base Year		3	8	18	35	40	
Minimum Annual Wage of California Full-Time Employees Hired		\$45,000	\$45,000	\$45,000	\$45,000	\$45,000	
Cumulative Average Annual Wage of California Full-Time Employees Hired		\$60,000	\$60,000	\$60,000	\$64,286	\$67,500	
Investments		\$0	\$10,000,000	\$7,660,000	\$0	\$0	\$17,660,000
Tax Credit Allocation		\$82,500	\$137,500	\$275,000	\$467,500	\$137,500	\$1,100,000

¹ Determined on an annual full-time equivalent basis





Questions?

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