



On **DATE**, **COMPANY NAME** (“Applicant”) submitted an application to the New Jersey Economic Development Authority (“Authority”) for the Emerge Program as set forth in N.J.S.A. 34:1B-336 et seq. (“Act”) and N.J.A.C. 19:31-22 et seq. (“Regulations”). Based on the facts, information, and representations in the application, supporting documentation, and subsequent correspondence, Authority staff has concluded that Applicant’s location decision is a competitive decision in which the tax credits is a material factor and, accordingly, Authority staff is prepared to propose for the Authority’s Board consideration at its **BOARD DATE** meeting the amount, terms, and conditions of tax credits specified below.

PROJECT: A lease of the Qualified Business Facility for office space use. Applicant will create **XXX** new full-time jobs and retain **XXX** full-time jobs at risk of being located out of New Jersey in the absence of an Emerge award at or associated with the Qualified Business Facility.

QUALIFIED BUSINESS FACILITY (“QBF”) LOCATION: **123 Street Name**, **CITY**, **County**, New Jersey
ZIP CODE
Block XXXX, Lot **XXXX**

ELIGIBILITY PERIOD: 7 years beginning with the tax period in which the Authority accepts the certifications from Applicant that it has met all the eligibility requirements.

COMMITMENT PERIOD: **11** years beginning on the same date as the Eligibility Period.

MEGA PROJECT-FACTORS DEMONSTRATING LEADERSHIP: **IF APPLICABLE**

TARGETED INDUSTRY: **List Industry**

PROJECT NAICS CODE(S): **XXXX**

REQUIRED ELIGIBILITY CAPITAL INVESTMENT: **\$XX,XXX,XXX**

TOTAL PROJECT COST: **\$XX,XXX,XXX**



MAXIMUM ELIGIBLE CAPITAL INVESTMENT:

\$XX,XXX,XXX

REQUIRED ELIGIBILITY FULL-TIME JOBS:

New: 25
Retained: XXX
Total: XXXX

MAXIMUM ELIGIBLE FULL-TIME JOBS:

New: XXX
Retained: XXX
Total: XXX

TOTAL NEW AND AT-RISK JOBS:

XXX

MEDIAN SALARY:

\$XXX,XXX

STATEWIDE WORKFORCE FOR THE TAX PERIOD PRIOR TO APPLICATION:

X,XXX

BASE CREDIT PER EMPLOYEE:

\$X,000

BONUS INCREASE PER EMPLOYEE:

Targeted Industry \$ X00

Large Number of New Jobs (over 1,000 jobs) \$X,X00

Excess of Median Salary for County (70% over) \$ 200

LEED Gold \$ 250

Total Applicable Bonus \$XXX

MAXIMUM ANNUAL CREDIT PER EMPLOYEE:

New Jobs: \$XXX

Retained Jobs: \$XXX

MAXIMUM TOTAL ANNUAL AWARD: \$XX,XXX

MAXIMUM EMERGE TAX CREDIT AMOUNT:

\$Award amount, based on Applicant being eligible to utilize the Maximum Total Annual Award per year during the Eligibility Period.

REQUIRED NET POSITIVE ECONOMIC BENEFIT RATIO:

X00%

CALCULATED NET POSITIVE ECONOMIC BENEFIT:

\$XXX,XXX

CALCULATED NET POSITIVE ECONOMIC BENEFIT RATIO:

XXX% (based on the net present value of the tax credits at \$XX,XXX, and the net present value of the net positive economic benefit at \$XX,XXX)

EXECUTED COMMUNITY BENEFITS AGREEMENT DEADLINE:

DATE

SITE CONTROL AND COMMITTED FINANCING DEADLINE:

The earlier of DATE or six months after the date of execution of the approval letter

ANTICIPATED PROJECT COMPLETION DATE:

DATE

DEADLINE FOR SUBMISSION OF CERTIFICATIONS OF PROJECT COMPLETION:

DATE

APPROVAL FEE:

A non-refundable fee of \$XX,XXX paid to the Authority, except that the fee shall be refunded if the Authority does not approve the tax credit.

OTHER FEES:

As provided in N.J.A.C. 19:31-22.6, non-refundable fees are also due prior to the receipt of the tax credit certificate, for annual servicing, for any transfer of some or all of the tax credit, for certain extension, and for changes, additions, and modifications.

CONDITIONS OF APPROVAL:

1. Applicant has not executed a letter of intent, lease, or purchase agreement or any other site control document.

2. If in the project completion certifications, the total new and at-risk (eligible retained and un-incented at-risk) full-time jobs, median salary, or eligible capital investment is reduced by more than 10% from the Total New and At-Risk Jobs, Median Salary, or Maximum Eligible Capital Investment amounts contained herein, the Authority shall reevaluate the net positive economic benefit under the then current net positive economic benefit model, and may reduce the size of the tax credits accordingly.

3. Applicant will be required to maintain the XX positions that are not at risk and the XX at-risk positions that were previously subject to a Grow New Jersey incentive award (collectively, "Existing Positions") that will be at or associated with the Qualified Business Facility. For purposes of the project completion certifications and the annual reports, any full-time employees will be included as an Existing Position before being included as a new or retained full-time job subject to the Emerge tax credit.

4. To maintain the Mega Project designation, Application will certify at project completion and in the annual reports for the

duration of the Commitment Period that the Project maintains at least the number of new Required Eligibility Emerge Full-Time Jobs, the Required Eligibility Capital Investment, and that:

- a. XXX
- b. XXXX
- c. XXXX

5. Applicant will not be eligible for a new Emerge award for any additional capital investment at or any additional employees at or associated with any additional building on the same campus as the Qualified Business Facility.

As set forth in the Act and the Regulations, and subject to the exceptions contained therein, the Authority's prevailing wage and affirmative action requirements shall apply to any contract, subcontract, or agreement, whether written or oral, for construction, reconstruction, demolition, alteration, repair work, maintenance work, or construction related to installation of equipment at the Qualified Business Facility, including, but not limited to, all work included as eligible capital investment. This requirement shall not extend beyond two years after the Authority has issued the first certificate of compliance.

As set forth in the Act and the Regulations, and subject to the exceptions contained therein, prevailing wage shall also apply to building services work at the Qualified Business Facility during the Commitment Period.

Included as Attachment A is the content of the non-binding Letter of Intent ("LOI") that the Applicant must execute on Applicant's letterhead pursuant to N.J.S.A. 34:1B-338(a) and N.J.A.C. 19:31-22.7(c)2 to certify that the tax credits are a material factor in the Applicant's decision to locate the Project in New Jersey. Because the amount of tax credits available under the Emerge Program is limited, the Authority requires that Applicant agree to the facts, terms, and conditions above and to express its intent to locate the Project in New Jersey if the Authority approves the award. Upon receipt of the LOI, the Authority may announce and publicize the LOI and Applicant's proposed Project by means and media selected by the Authority unless the Authority determines that the interests of the State require confidentiality.



If Applicant disagrees with any fact or conclusion above, please let Mathew Abraham (MAbraham@njeda.com or (609) 851-9579) know. Authority staff will further discuss Applicant's application with Applicant; however, consideration by the Authority Board of the application may occur on a later date. If Applicant is not ready to make the location decision and to execute the LOI, please let the above named individual know. In that event, the Authority will hold the application in abeyance for a period of time, but the application will be subject to the availability of tax credits.

Included as Attachment B is the certification that Applicant's chief executive officer, or equivalent officer for North American operations, must sign.

If the Authority does not receive the executed LOI, approval fee and certification by XXXday, Month Datest at Time ET, Applicant's application will not be considered at the Authority Board's DATE meeting. Applicant's electronic signature can be done either by ADOBE Acrobat or any other similar signature software that can be used for electronic signatures or by printing, manually signing, and scanning.

Sincerely,

Tim Sullivan
Chief Executive Officer