

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY'
BUSINESS EMPLOYMENT INCENTIVE PROGRAM**

APPLICATION

Version 12/4/02

**PLEASE RETURN TWO COPIES (2) OF THE COMPLETED
APPLICATION WITH \$500 APPLICATION FEE TO:**

**New Jersey Economic Development Authority
Business Employment Incentive Program
P.O. Box 990
Trenton, New Jersey 08625
Phone: (609) 292-1800
Fax: (609) 292-0368**

Note: All application materials are due by the 15th of the month to be included on the next month's agenda for the EDA Board of Directors

Application#:

Officer:

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
BUSINESS EMPLOYMENT INCENTIVE PROGRAM**

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**COPY AND COMPLETE SECTION 1, PARTS I, II, IV AND V FOR EACH
COMPANY/SUBSIDIARY THAT WILL BE HIRING ELIGIBLE EMPLOYEES AT THE
PROJECT SITE**

SECTION I

PART I. APPLICANT INFORMATION

1. Name of Company

2. Current Street Address, P.O. Box, City, State and Zip

3. Contact Person - Name and Title/Direct Address (if different than above)/Phone and Fax Numbers

4. Corporate Name of Applicable New Jersey Taxpayer

5. Corporate Headquarters Location

6. New Jersey Tax Identification Number

7. Federal Tax Identification Number

8. Name of U.S. Parent Company

9. If Foreign Owned (at least 50%), Name of Ownership and Country of Origin

10. If applicable, name of Tenants/Members

PART II. INFORMATION ON EXISTING BUSINESS

1. Type of Industry

2. Four Digit SIC Code

3. NAICS Code

4. Principal Product/Service

5. Date Established

6. State of Incorporation

7. List all New Jersey Operations (indicating city location)

PART III. DESCRIPTION OF PROPOSED PROJECT

1. Street Address, P.O. Box, City, State, Zip Code, County

2. Project Type (Expansion, Relocation and/or Start-up (if relocating, from where)

3. Please list the other states New Jersey is in competition with for the proposed project and provide material documenting the alternatives.

4. If relocation or consolidation, indicate from where and the number of relocated positions that will be moved to the proposed project site.

5. How will this project affect any company-owned New Jersey facilities?

6. What contribution can the business make to the long-term growth of New Jersey?

7. How long will the project and associated new positions remain in New Jersey? (If the facility will be leased, indicate the anticipated terms and any options to renew).

PART IV. MUNICIPAL/STATE FINANCIAL ASSISTANCE

Summarize all local and/or state financial assistance being utilized in the proposed project, such as other grants (BRAG and etc.), low interest rate loans, infrastructure improvements, property tax abatements, exemptions, and training assistance. Please specify program names, dollar amounts and terms as well as the status of applications and approvals. (Please use additional sheet if necessary).

PART V. OTHER BUSINESS EMPLOYMENT INCENTIVE PROGRAM GRANTS

Please describe the status of any outstanding BEIP grants for the company and/or its affiliates. Use additional sheet if necessary.

1. Date Approved by NJEDA

2. New Jobs to Date

3. Retained Jobs to Date

4. Location of Project

5. Fixed Asset Investment to Date

PART VI. JOB COMMITMENTS

Please refer to the attached list of definitions to determine if the employees hired meet the criteria for new employees

	Year 1	Year 2	Base Years Total
1. Total Number of Existing Employees:		N/A	N/A
2. Total Number of Existing Employees in New Jersey:		N/A	N/A
3. Anticipated Number of New Employees:			
4. Average Annual Salary for New Employees:			
5. Expected Number of New Employees with Average Annual Salaries Ranging from:			
\$0 to \$18,000			
\$18,001 to \$30,000			
\$30,001 to \$50,000			
\$50,000 +			
6. Estimated Total Gross Payroll for New Employees			
7. Estimated Total Gross State Withholdings for New Employees			

PART VII. PROJECT COSTS/SOURCE OF FUNDS

	EQUITY	PRIVATE LENDER	STATE ASSISTANCE	LOCAL ASSISTANCE	TOTAL
A. Land					
Building					
New Construction					
Renovation					
Leasehold Imp.					
B. Machinery/Equipment					
C. Infrastructure On-Site					
1. Streets					
2. Parking					
3. Rail					
4. Water					
5. Sewer					
6. Other					
D. Infrastructure - Off-Site (Applicant may need to obtain this information from local government unit(s).)					
1. Streets					
2. Rail					
3. Water					
4. Sewer					
5. Other					
E. Fixed Costs (Explain)					
Total Fixed Costs					
F. Working Capital					
G. Miscellaneous Costs (Explain)					
Total Project Costs					

NOTE: Please complete total project costs for EACH column. This page may be submitted on a reasonable facsimile.

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SECTION 2

Please submit the following information as attachments to the application and label each with the designated alphabetical letter listed below:

- A. Brief history and description of the applicant's business.
- B. Complete schedule of all officers, directors, and stockholders with 15 percent or more stock ownership for each company/subsidiary that will be hiring eligible employees at the project site.
- C. Description of the proposed project, including a description of the product/services, time schedule of the project, time schedule of the creation of jobs, types of jobs to be created, unique site characteristics, whether site or building will be owned or leased, type of machinery/equipment to be purchased, all the participating parties, size of building, necessary infrastructure improvements, etc.
- D. A specific statement on the role the BEIP grant will play in the company's decision making process to expand and/or locate in New Jersey.
- E. Annual consolidated/consolidating statements for the two most current fiscal years for each company/subsidiary that will be hiring eligible employees at the project site. Please submit a current interim statement if the most recent financial statement is more than six months old.
- F. Draft copy of lease or contract of sale.
- G. Applicants must obtain evidence from the Treasurer's Office verifying that all state taxes are current. To this end, we have enclosed the Release Authorization form. Please be certain that the name you submit as your corporate name on this form is the same name as was filed with the Articles of Incorporation for your company. **ONE COPY MUST BE SUBMITTED FOR EACH COMPANY/SUBSIDIARY THAT WILL BE HIRING ELIGIBLE EMPLOYEES AT THE PROJECT SITE. Please complete and mail the form to the Treasury contact listed.**
Please be sure to enclose the \$500 application fee with the application to the EDA at P.O. Box 990, Trenton, New Jersey 08625.

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SECTION 3

Please Note: Sections 1 and 2 of the application are designed to provide sufficient information regarding a proposed project to the staff and members of the NJEDA. Eligibility for the Business Employment Incentive Program Grant is determined by the information presented in the completed application. Any changes in the status of the proposed project from the facts presented herein could disqualify the project. **Upon EDA Board Approval, the applicant will be required to supply and certify the full names, job titles, and job location of existing employees in New Jersey to serve as an exhibit to the Grant Agreement.**

**CERTIFICATION OF APPLICATION
AND AUTHORIZATION TO RELEASE INFORMATION**

I hereby represent and certify that I have reviewed the information contained in the application and that the foregoing information, to the best of my knowledge and belief, is true, complete and accurately describes the proposed project for which the business employment incentive grant is being sought. I further agree to inform the New Jersey Economic Development Authority of any changes in the foregoing information which may occur prior to the time the applicant and the Authority execute a Grant Agreement. The undersigned, on behalf of the applicant, understands and acknowledges that even though the information contained in this application, or which may hereafter be communicated to the New Jersey Economic Development Authority, contains confidential and proprietary information, it may be subject to public disclosure during deliberations of the Authority at public meetings regarding the project and as set forth in the minutes of the Authority's public meetings. Applications submitted to the EDA are considered public records and will be available to the public for inspection.

Applicant Date

Co-Applicant Date

Applicant Date

Co-Applicant Date

Applicant Date

Co-Applicant Date

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SECTION 4

Businesses applying for BEIP grants are subject to the Authority's Disqualification/Debarment Regulations (the "Regulations"), which are set forth in N.J.A.C. 19:30-2.1, et seq. Applicants are required to answer the following background questions pertaining to the commission of certain offenses that can lead to disqualification from eligibility under the Regulations.

All capitalized terms used in this Questionnaire, except those defined elsewhere herein, shall be defined at the bottom of this form.

Has Applicant, any officers or directors of Applicant, or any Affiliates (collectively, the "Controlled Group") been found guilty, liable or responsible in any Legal Proceeding for any of the following violations or conduct? (Any civil or criminal decisions or verdicts that have been vacated or expunged need not be reported).

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract.

___ Yes ___ No
2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty.

___ Yes ___ No
3. Violation of the Federal or State antitrust statutes, or of the Federal Anti-Kickback Act (18 U.S.C. 874).

___ Yes ___ No
4. Violation of any law governing the conduct of elections of the Federal Government, State of New Jersey or of its political subdivision.

___ Yes ___ No
5. Violation of the "Law Against Discrimination" (P.L. 1945, c169, N.J.S.A. 10:5-1 et seq., as supplemented by P.L. 1975, c127), or of the act banning discrimination in public works employment (N.J.S.A. 10:2-1 et seq.) or of the act prohibiting discrimination by industries engaged in defense work in the employment of persons therein (P.L. 1942, c114, N.J.S.A. 10:10, et seq.).

___ Yes ___ No

6. To the best of your knowledge, after reasonable inquiry, violation of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor.
- ___ Yes ___ No
7. To the best of your knowledge, after reasonable inquiry, violation of any law governing the conduct of occupations or professions of regulated industries.
- ___ Yes ___ No
8. Debarment by any department, agency, or instrumentality of the State or Federal government.
- ___ Yes ___ No
9. Violation of any of the following prohibitions on vendor activities representing a conflict of interest, or failure to report a solicitation as set forth below:
- (i) No person shall pay, offer or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any Authority officer or employee or special Authority officer or employee, as defined by N.J.S.A. 52:13D-13(b) and (e), with which such person transacts or offers or proposes to transact business, or to any member of the immediate family as defined by N.J.S.A. 52:13D-13i, of any such officer or employee, or partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.
 - (ii) The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any Authority officer or employee or special Authority officer or employee from any person shall be reported in writing by the person to the Attorney General and the Executive Commission on Ethical Standards.
 - (iii) No person may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such person to, any Authority officer or employee or special Authority officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to the Authority, or with any person, firm or entity with which he or she is employed or associated or in which he or she has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to this subsection shall be reported in writing to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the Authority officer or employee or special Authority officer or employee upon a finding that the present or proposed relationship does not present the potential, actually or appearance of a conflict of interest.

- (iv) No person shall influence, or attempt to influence or cause to be influenced, any Authority officer or employee or special Authority officer or employee in his or her capacity in any manner which might tend to impair the objectivity or independence of judgment of the officer or employee.
- (v) No person shall cause or influence, or attempt to cause or influence, any Authority officer or employee or special Authority officer or employee to use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for the person or any other person.

___ Yes ___ No
(If Yes, specify subsection)

10. Has any member of the Controlled Group been found guilty, liable or responsible for the violation in any Legal Proceedings of any State or Federal law that may bear upon a lack of responsibility or moral integrity, or that may provide other compelling reasons for disqualification. (Your responses to the foregoing question should include, but not be limited to, the violation of the following laws, without regard to whether any monetary award, damages, verdict, assessment or penalty has been made against any member of the Controlled Group, except that any violation of any environmental law in category (v) below need not be reported where the monetary award, damages, etc. amounted to less than \$1 million).

- (i) Laws banning or prohibiting discrimination or harassment in the workplace on the basis of gender, race, age, religion or handicapped status.
- (ii) Laws prohibiting or banning any form of forced, slave, or compulsory labor.
- (iii) Laws protecting workers who have reported the wrongdoing of their employers to governmental authorities, commonly referred to as "Whistleblower Laws".
- (iv) Securities or tax laws resulting in a finding of fraud or fraudulent conduct.
- (v) Environmental laws.
- (vi) Laws banning the possession or sale of, or trafficking in, firearms or drugs.
- (vii) Laws banning anti-competitive dumping of goods.
- (viii) Anti-terrorist laws.

- (ix) Criminal laws involving commission of any felony or indictable offense under State or Federal law.
- (x) Laws banning human rights abuses.
- (xi) Laws banning the trade of goods or services to enemies of the United States.
- (xii) the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-1, et seq.

___ Yes ___ No

11. To the best of your knowledge, after reasonable inquiry, is any member of the Controlled Group a party to pending Legal Proceedings wherein any of the offenses or violations described in questions 1-10 above are alleged or asserted against such entity or person?

___ Yes ___ No

If the answer to any of the foregoing questions is affirmative, you must provide the following information as an attachment to the application: (i) the case and court in which such matters were tried or are pending; (ii) the charges or claims adjudicated or alleged; and (iii) a brief explanation of the circumstances giving rise to such matters. Also, for affirmative answers to question 1-10, copies of the final judgments, consent orders or administrative findings, as the case may be, that were entered or made in such matters must be attached.

The terms set forth below shall be defined as follows:

“Affiliates” means persons having an overt or covert relationship such that any one of them directly or indirectly controls or has the power to control another.

“Legal Proceedings” means any State or Federal civil, criminal or administrative proceeding in a court or administrative tribunal in the United States or any territories thereof.

The Authority reserves the right to require additional clarifying or explanatory information from the applicant (“Applicant”) regarding the answers given. If, at any time prior to board action on this application, or, at any time between the date of such action and the execution of a BEIP grant agreement with the Authority, the Applicant should become aware of any facts that materially alter or change such answers, or that render any of them incomplete, the Applicant shall have a duty to immediately report such facts to the Authority in writing.

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**COPY AND COMPLETE ONE FOR EACH COMPANY/SUBSIDIARY THAT WILL BE
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RELEASE AUTHORIZATION

I, _____, an officer of
_____ hereby
authorize the New Jersey Economic Development Authority to contact the New Jersey Division of Taxation
to conduct a review of our tax filing history to determine if there are currently any tax deficiencies and/or
delinquencies.

The Division of Taxation may release their findings to the New Jersey Economic Development
Authority, Business Employment Incentive Program.

Date

Signature/Title

ID# _____

Sworn to and subscribed before me
this _____ day of _____,
20____.

(Notary Public)

**Please return this form separately to:
Dominic L. Vitale
Division of Taxation
Department of Treasury
50 Barrack Street
P.O. Box 240
Trenton, New Jersey 08646**

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SELECTED DEFINITIONS FROM N.J.A.C. 19:31-10.2

“Base years” means the first two complete calendar years following the effective date of the agreement. Except in those instances where significant construction/renovation of the project requires a Certificate of Occupancy to be awarded prior to occupancy of the project site, the Base Years will commence upon the issuance of a Certificate of Occupancy by the municipality.

“Cooperative Association” shall include financial, stock or commodities exchanges.

“Eligible position” means a new position for a full-time employee created by a business or transferred from another state by the business in New Jersey that was not previously subject to the New Jersey Gross Income Tax Act.

“Full-time employee” means a person who is employed for consideration for at least 35 hours per week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, whose wages are subject to withholding as provided in the New Jersey Gross Income Tax Act (N.J.S.A. 54A:1-1 et seq.) and who is certified by the applicant to be employed in a permanent position. “Full time employee” shall not include any person who works as an independent contractor or on a consulting basis for the business.

“New employee” means a full-time employee first employed in an eligible position by a business at the project which is the subject of an Agreement. An out-of-state resident or a resident of New Jersey who is employed outside New Jersey by the business and whose position is relocated to New Jersey by the business and whose position is relocated to New Jersey after the execution of an Agreement may be classified as a new employee when the position is relocated to New Jersey and the wages are subject to withholdings as provided in the New Jersey Gross Income Tax Act (N.J.S.A. 54A:1-1 et seq.); except that such a State resident shall not be classified as a “new employee” unless the wages, prior to the relocation, were subject to income taxes imposed by the state or municipality in which the position was previously located. “New employee” also may include an employee rehired or called back from a bonafide layoff during or following the base years to a vacant position previously held by that employee or to a new position established during or following the base years. “New employees” shall not include: any person who was previously employed in New Jersey by the business or by a related person as defined by the N.J.S.A. 54:10A-5.5 if the employee is transferred to the business which is the subject of an Agreement unless the employee’s position at his or her previous employer is filled by a new employee; a child, grandchild, parent, or spouse of an individual associated with the business who has direct or indirect ownership of at least 15 percent of the profits, capital or value of the business; and any person whose wages are not subject to new withholding as provided in the New Jersey Gross Income Act.

“Point-of-purchase retail facility” means a business wherein the normal and customary method of patronizing the business conducted at the facility requires the retail customer to travel to the location to purchase the goods or professional consumer services of that business. “Point-of-purchase retail facilities” shall not include catalog distribution centers for the purposes of this program.

“Project” means the relocation and/or expansion of a business in New Jersey that is creating new employment opportunities; the wages of which are subject to the provisions of the New Jersey Gross Income Tax Act (N.J.S.A. 54A:1-1 et seq.).

“Withholdings” means the amount withheld by a business from the wages of new employees pursuant to the New Jersey Gross Income Tax Act. (N.J.S.A. 54A:1-1 et seq.).

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TARGETED MUNICIPALITIES

ATLANTIC COUNTY

Pleasantville City

Trenton City

BERGEN COUNTY

Hackensack City

Garfield City

Lodi Borough

MIDDLESEX COUNTY

Carteret Borough

Old Bridge Township

New Brunswick City

Perth Amboy City

BURLINGTON COUNTY

Mount Holly Township

Pemberton Township

Willingboro Township

MONMOUTH COUNTY

Asbury Park City

Long Branch City

Neptune Township

Neptune City Borough

CAMDEN COUNTY

Camden City

Gloucester City

Gloucester Township

Lindenwold Borough

Pennsauken Township

Winslow Township

OCEAN COUNTY

Brick Township

Lakewood Township

CUMBERLAND COUNTY

Bridgeton City

Millville City

Vineland City

PASSAIC COUNTY

Passaic City

Paterson City

ESSEX COUNTY

Belleville Township

Bloomfield Township

East Orange City

Irvington Township

Newark City

Orange City Township

SALEM COUNTY

Penns Grove Borough

Salem City

GLOUCESTER COUNTY

Glassboro Borough

Paulsboro Borough

Woodbury City

UNION COUNTY

Elizabeth City

Hillside Township

Plainfield Township

Rahway City

Roselle Borough

HUDSON COUNTY

Bayonne City

Hoboken City

Jersey City

Kearny City

North Bergen Township

Union City

Weehawkin Township

West New York Town

WARREN COUNTY

Phillipsburg Town

MERCER COUNTY

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY BUSINESS EMPLOYMENT INCENTIVE PROGRAM

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Dear Applicant,

The Business Employment Incentive Program (BEIP) grant enables the New Jersey Economic Development Authority (EDA) to provide grants to businesses that are expanding or relocating operations in New Jersey and will create new jobs. Grants may range between 10% and 80% of new state income taxes generated to New Jersey as a result of the new employees hired and may be for up to 10 years.

While preparing this application, please keep in mind the following official guidelines for the program which focus on three criteria that were defined in the original legislation to determine company eligibility:

- i. **Job Creation:** The act requires that any company that applies for a Business Employment Incentive Program grant must create net new jobs in the State. Companies must create 75 new jobs in a non-targeted area or 25 new jobs in a targeted area during the base years. In all instances, a company must commit to maintain employment for 1.5 times the term of the grant.
- ii. **Company Economic Viability:** Any company that receives a grant from the Business Employment Incentive Program must be economically viable.
- iii. **Material Factor:** The provision of a grant from the Business Employment Incentive Program must be a material factor in a company's decision to expand and/or relocate operations in New Jersey. If the company has executed a written commitment to expand and/or relocate without the grant, it will be deemed ineligible for assistance.

In addition, the applicant should keep in mind what companies/subsidiaries will actually be employing the eligible employees at the project site (i.e. what company/subsidiary's tax identification number the eligible employees payroll will fall under) and must submit the requested information for each company/subsidiary.

Applicants are directed to P.L. 1996, c. 26 and N.J.A.C. 19:31-10.1 et seq. for a complete list of eligibility criteria and to contact the EDA directly with any questions. Please note that point-of-purchase retail facilities are ineligible for the BEIP grant. Annual receipt of the BEIP grant is subject to appropriation from the General Fund to the EDA. In addition, there is an annual servicing fee of 1.5% of the grant disbursement with a minimum of \$500 and a cap of \$10,000. The EDA appreciates your interest in New Jersey. We look forward to working with your organization in processing this application. Please provide answers to all questions.

Sincerely,

The New Jersey Economic Development Authority