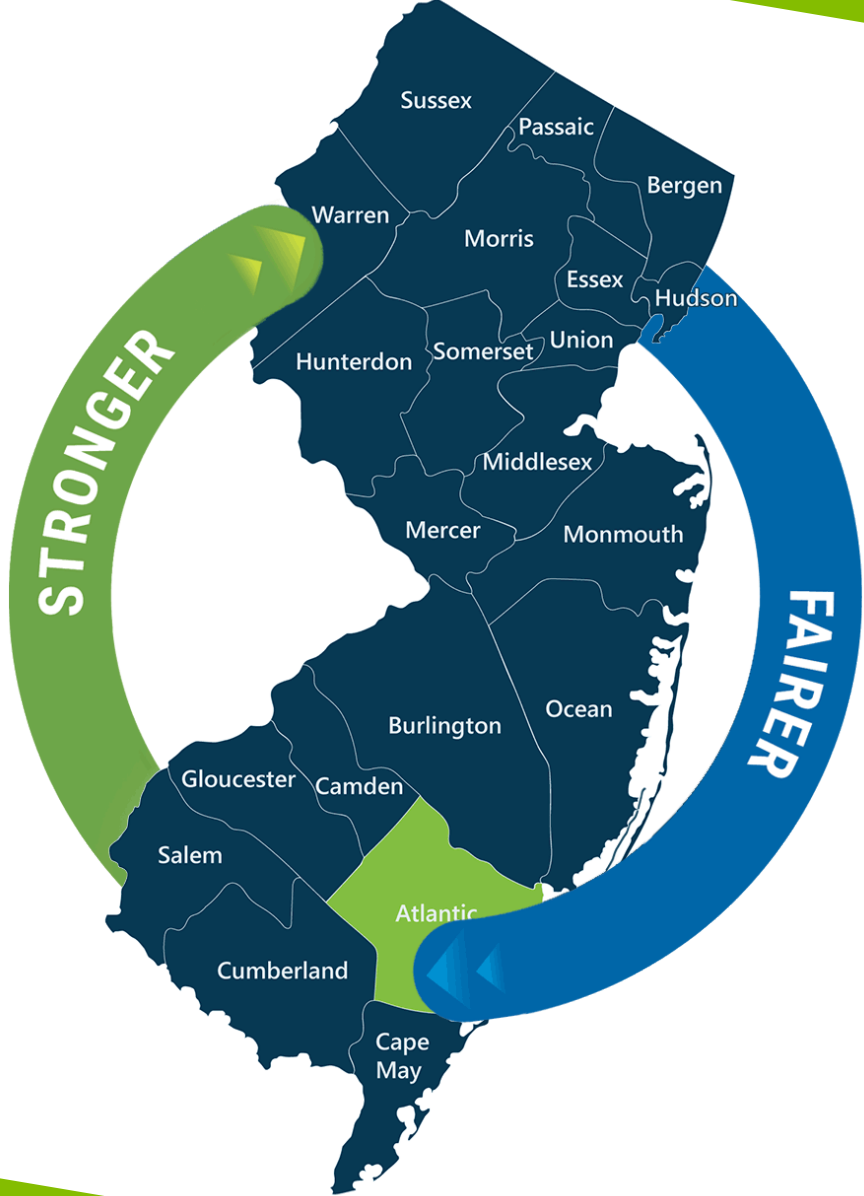


Food Desert Relief Tax Credit Auction Webinar

April 2024



We will be using the Q&A feature to take all your questions



Open (2)

Answered (1)

Dismissed

Anonymous Attendee 11:26 AM

How can I schedule a meeting?

Answer live

Type answer

In addition to this webinar, there are several ways to learn more about this program:

 Visit <https://www.njeda.gov/food-desert-relief-tax-credit-auction/> for resources:

- Frequently Asked Questions (regularly updated)
 - Sample application
 - Application checklist
 - Tax credit purchase agreement template
 - Detailed overview of the auction process
-

 Email FDRTCAuction@njeda.gov with questions:

- **Questions may be submitted until 14 days before the auction opens**
 - FAQ will be updated on a rolling basis with answers to submitted questions
 - Final FAQ update will be posted no less than 7 days before the auction opens
-

Agenda

1. Welcome & Overview
2. Background on the Food Desert Relief Act
3. Bidder Eligibility
4. Auction Process
5. Application Walk-Through
6. Q&A



PART 1
WELCOME & OVERVIEW

WELCOME



Riley Edwards
Senior Advisor,
Economic Security
Riley.Edwards@njeda.gov



Brian Todd
Senior Advisor,
Food Desert Relief
Brian.Todd@njeda.gov

About NJEDA

The New Jersey Economic Development Authority (NJEDA) serves as the State's principal agency for driving economic growth.

The NJEDA is committed to making New Jersey a national model for **inclusive and sustainable economic development** by focusing on key strategies to help build **strong and dynamic communities, create good jobs for New Jersey residents, and provide pathways to a stronger and fairer economy**. Through partnerships with a diverse range of stakeholders, the NJEDA creates and implements initiatives to **enhance the economic vitality and quality of life** in the State and **strengthen New Jersey's long-term economic competitiveness**.

NJEDA
ECONOMIC DEVELOPMENT AUTHORITY

HELPING TO BUILD A
STRONGER AND FAIRER
NEW JERSEY ECONOMY

Food Desert Relief Tax Credit Auction

NJ corporations and insurance companies can bid for a **tax discount of up to 15%**

Up to **TBD** in credits available

Can be applied to **Corporation Business Tax & Insurance Premiums Tax**

Tax credits can first be used for tax year **2024*** with **7-year carry-forward**

Minimum tax credit request of **\$500,000**

Minimum price of **\$0.85** per dollar of credit

No commitment or compliance requirements after closing transaction



Proceeds from the auction will fund grant, loan, and technical assistance programs in designated **Food Desert Communities**, as specified by the Food Desert Relief Act

*Assuming bidders are calendar-year filers. Sale to be approved in Q3 or Q4 2024.



PART 2
BACKGROUND ON THE
FOOD DESERT RELIEF ACT

THE FOOD DESERT RELIEF ACT

The Food Desert Relief Act (FDRA) is part of the **New Jersey Economic Recovery Act of 2020 (ERA)**, a package of tax incentive, financing, and grant programs Governor Murphy signed into law in January 2021 to address the economic impacts of the COVID-19 pandemic and build a stronger, fairer New Jersey economy. FDRA was amended in June 2022.



Facilitate development, construction, and sustainable operations of new supermarkets and grocery stores



Strengthen existing community assets by equipping them with the necessary equipment and infrastructure to provide healthier food options



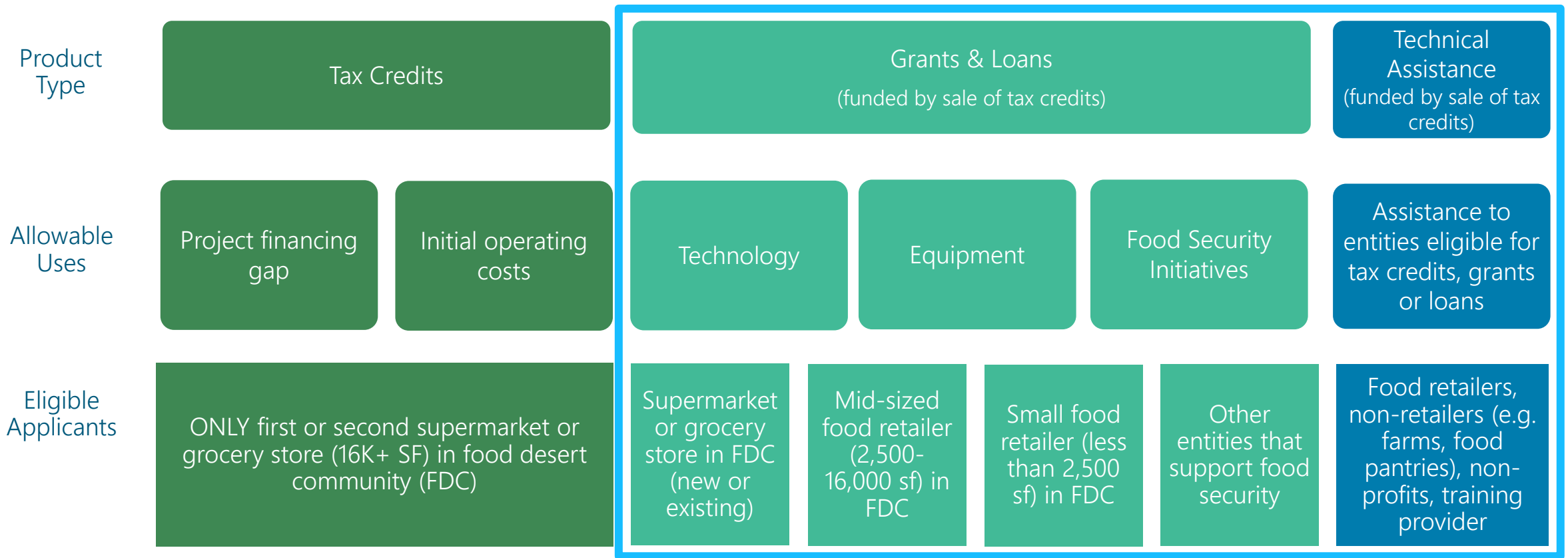
Help food retailers respond to the shift to e-commerce, including for the Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)



Identify and foster innovative solutions to alleviate food insecurity

The Food Desert Relief Act creates new strategies for NJEDA to address food security

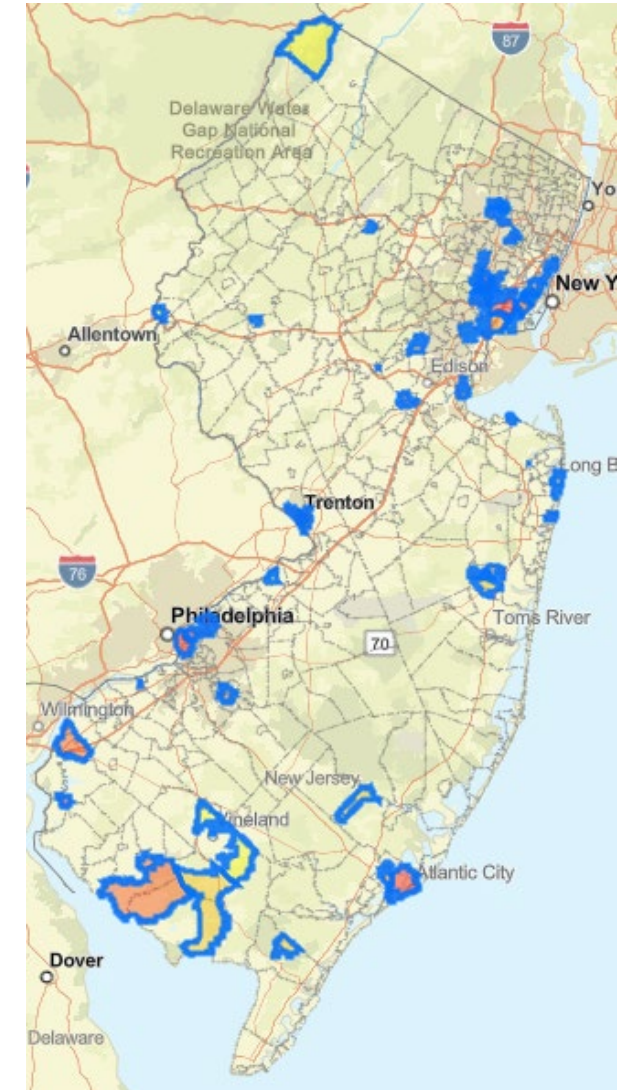
Food Desert Relief Act (\$40M/year, 6 years = \$240M total)



Learn more at <https://www.njeda.com/food-desert-relief-program>

New Jersey's 50 Food Desert Communities

- The FDRA directed EDA to work with the Departments of Community Affairs and Agriculture to designate up to 50 areas of the state as Food Desert Communities
- Designations were informed by a combination of rigorous, data-driven analysis and community input
- More than 1.5 million NJ residents live in a Food Desert Community (FDC)
- All 21 NJ counties have at least one FDC
- FDC designations include 57 municipalities
 - In most cases, just *portions* of a municipality are included in FDC designation, not the whole municipality
- 6 municipalities (Camden, Jersey City, Lakewood, Newark, Paterson, Trenton) are sub-divided due to the size of the population residing in an FDC
- Population size of each FDC ranges from 1,135 to 69,264



The interactive map of Food Desert Communities can be found at <https://www.njeda.gov/food-desert-relief-tax-credit-auction/>

PART 3
BIDDER ELIGIBILITY

Tax Credit Purchase Eligibility Criteria

Bidders do NOT need to:



Be in the food industry



Be in a Food Desert Community



Make any ongoing commitments beyond the purchase transaction

Bidders need to:



Be NJ CBT or IPT filers



Be in good standing with NJ DOL, DEP, and Taxation



Request at least \$500,000 in tax credits



Bid at least \$0.85 per dollar of tax credits



Pay a refundable deposit of 10% of total bid, up to \$500,000

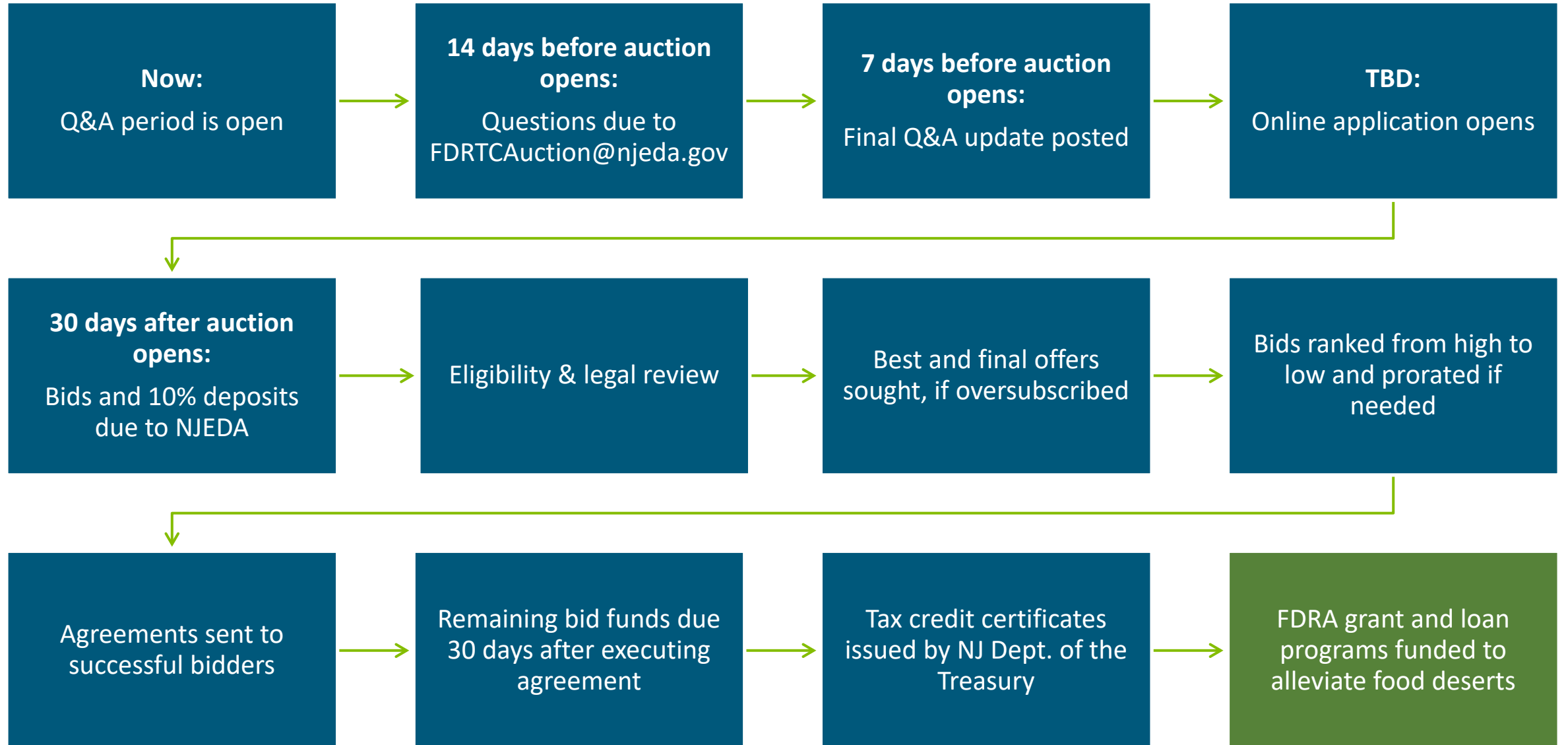


Undergo standard NJEDA legal review

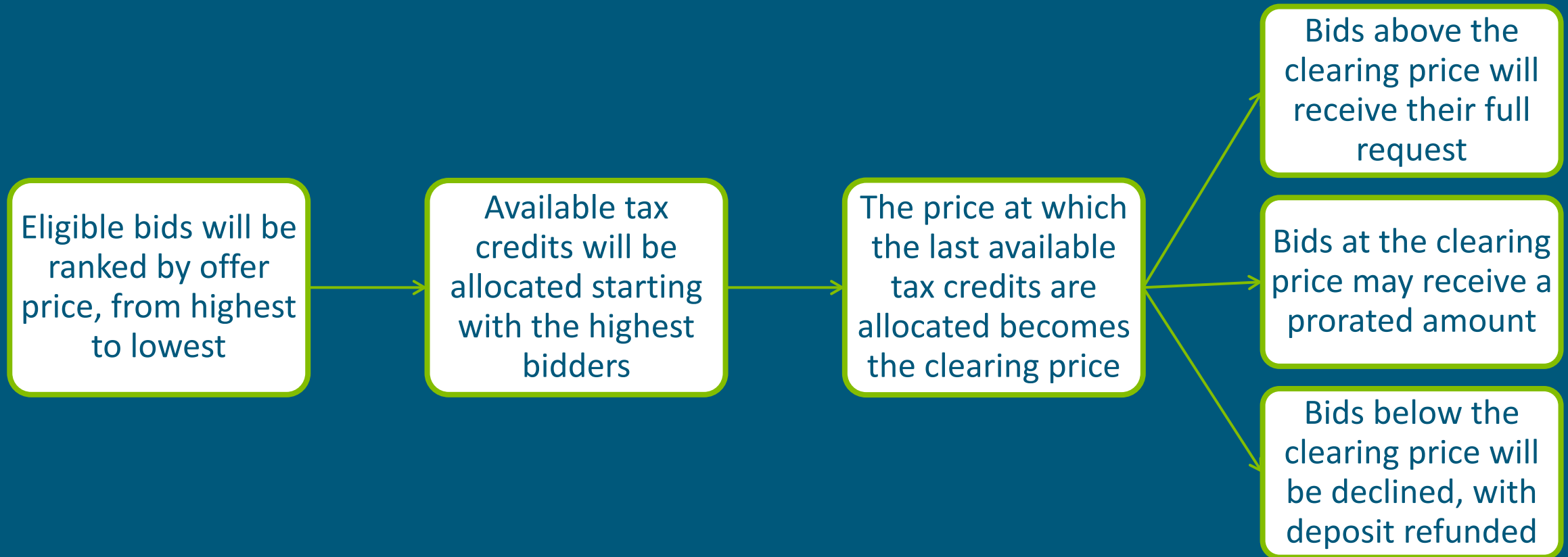


PART 4
AUCTION PROCESS

Tax Credit Auction Timeline



Determining Tax Credit Award Amounts



Determining Tax Credit Award Amounts

Example: \$10 million available

	Bidder	Offer Price	Face Value	Total Purchase Offer
Above clearing price	A	\$0.95	\$4,000,000	\$3,800,000
	B	\$0.93	\$3,000,000	\$2,790,000
	C	\$0.93	\$1,000,000	\$930,000
At clearing price	D	\$0.90	\$3,000,000	\$2,700,000
	E	\$0.90	\$1,000,000	\$900,000
Below clearing price	F	\$0.85	\$3,000,000	\$2,550,000
TOTAL			\$15,000,000	\$13,670,000

Determining Tax Credit Award Amounts

Example: \$10 million available

	Bidder	Offer Price	Face Value	Total Purchase Offer	Tax Credits Awarded
Above clearing price	A	\$0.95	\$4,000,000	\$3,800,000	\$4,000,000
	B	\$0.93	\$3,000,000	\$2,790,000	\$3,000,000
	C	\$0.93	\$1,000,000	\$930,000	\$1,000,000
At clearing price	D	\$0.90	\$3,000,000	\$2,700,000	\$1,500,000
	E	\$0.90	\$1,000,000	\$900,000	\$500,000
Below clearing price	F	\$0.85	\$3,000,000	\$2,550,000	\$0
TOTAL			\$15,000,000	\$13,670,000	\$10,000,000



PART 5
APPLICATION WALK-THROUGH

① 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

Welcome: Food Desert Relief Tax Credit Auction

Program Description

The Food Desert Relief Tax Credit Auction offers New Jersey Corporate Business Tax (CBT) and Insurance Premiums Tax (IPT) credits for sale to New Jersey taxpayers, to raise funds for future programs to support food security. Funds raised will help increase access to nutritious food for the 1.5 million residents of New Jersey's 50 designated Food Desert Communities, which span a diverse range of communities across all the state's counties.

Eligibility:

To be eligible, bids must meet the following criteria:

- Minimum tax credit request of \$500,000
- Minimum bid price of \$0.85 per dollar of tax credits
- Refundable deposit of 10% of tax credit purchase value must be initiated via wire transfer by auction closure.

In addition, purchasers must meet the following criteria:

- Purchaser must be a New Jersey CBT or IPT filer
- Purchaser must be in good standing with the New Jersey Department of Labor and Workforce Development, the New Jersey Department of Environmental Protection, and the Division of Taxation at the New Jersey Department of the Treasury

A sample application, template tax purchase agreement, and additional details on the bid review and award amount calculation process are available on the NJEDA website [here](#).

Proceeds from this sale will be used by NJEDA to fund programs targeted to the 50 Food Desert Communities (FDCs) previously designated by NJEDA. A searchable map of the FDCs is available [here](#) and a list of the FDCs is available [here](#). Information on NJEDA's existing portfolio of food security programs is available [here](#).

Language Assistance:

ATENCIÓN: si habla **español**, los servicios de asistencia lingüística, gratuitos, están disponibles para usted enviando un correo electrónico a languagehelp@njeda.com.

اللغة العربية: إذا كنت تتحدث اللغة العربية، فإن خدمات المساعدة اللغوية مجانية متاحة لك عبر إرسال بريد إلكتروني إلى languagehelp@njeda.com.

注意: 如果您說粵語, 可以透過傳送電子郵件至 languagehelp@njeda.com 免費獲取語言協助服務。

注意: 如果您說普通話, 可以通過發送電子郵件至 languagehelp@njeda.com 免費獲取語言協助服務。

ध्यान आपो: જો તમે **ગુજરાતી** બોલતા હોય તો, તમારા માટે languagehelp@njeda.com પર ઈ-મેઇલ કરવાથી ભાષા સહાય સેવાઓ મફતમાં ઉપલબ્ધ છે.

ध्यान दें: यदि आप **हिंदी** बोलते हैं, तो languagehelp@njeda.com पर ईमेल द्वारा, आप के लिए निःशुल्क भाषा सहायता सेवाएं उपलब्ध हैं।

ATTENZIONE: se parla **italiano**, può usufruire gratuitamente di servizi di assistenza linguistica scrivendo all'indirizzo languagehelp@njeda.com

알림: 한국어를 사용하시는 경우, 언어 지원 서비스가 무료로 이메일 languagehelp@njeda.com을 통해 제공됩니다.

UWAGA: Jeśli mówisz **po polsku**, możesz uzyskać pomoc tłumacza bezpłatnie wysyłając e-mail pod adres languagehelp@njeda.com.

ATENÇÃO: se você falar **português**, oferecemos serviços de apoio de idioma gratuitos. Envie um e-mail para languagehelp@njeda.com.

ATTENTION: Kung nagsasalita ka ng **Tagalog**, magagamit mo ang libreng mga serbisyong tulong sa wika sa pamamagitan ng pag-email sa languagehelp@njeda.com.

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Primary Point of Contact

Throughout the life of a project – from application, to approval, to closing, and to certification/servicing – NJEDA will need to engage with various members of your team. This section collects contact information for individuals we may need to speak with as part of this project.

Please provide contact information for the primary point of contact within the applicant company that NJEDA will keep updated on the status of this application.

NOTE: It is highly recommended that the primary point of contact be the individual that is currently filling out this application. If the primary point of contact is different than the individual that is currently filling out the application, the primary point of contact individual should select 'No' on the POC question below and then fill in the proceeding CEO Contact page to receive future correspondence about this application.

Salutation

First Name *

Middle Initial

Last Name *

Suffix

Selecting “No” on these 3 questions shows “Authorized Representative”, “CEO”, and “Media” contact pages respectively.

Title *

Email Address *

Confirm Email Address *

Phone Number *

→ **Is the primary point of contact legally authorized to submit this application on behalf of the applicant company? ***
 Yes No
Legally authorized representative means one of the following:
- for a corporation: a principal executive officer at least the level of vice president;
- for a partnership: a general partner;
- for a sole proprietorship: the proprietor;
- for a governmental entity: the contact person (business administrator, manager, mayor, etc.);
- for other than above: the person with legal responsibility for the application.

→ **Is the primary point of contact the Chief Executive Officer/equivalent officer for North America operations, or equivalent highest-ranking executive for the applicant company? ***
 Yes No

→ **Is the primary point of contact authorized to speak to the media on behalf of the company? ***
 Yes No

Primary Point of Contact Address *

▾

Authorized Representative

This application includes company representations and certification and must be submitted by an individual who is legally authorized to sign documents on behalf of the applicant company.

Salutation

First Name *

Middle Initial

Last Name *

Suffix

Title *

Email Address *

test@test.com

Confirm Email Address *

test@test.com

Phone

(111) 111-1111

Would you like the Authorized Representative to receive email communications from NJEDA about the status of your application? *

Yes No

Authorized Representative Address *

test

Address Line 2

test

New Jersey

00000

United States



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3

Chief Executive Officer/Owner/Equivalent

If the primary point of contact does not hold this role, please provide the contact information for the owner, CEO, or equivalent highest-ranking executive for the applicant company.

Salutation

First Name *

Middle Initial

Last Name *

Suffix

Title *

Email Address *


Confirm Email Address *

Phone

Would you like the Chief Executive Officer/owner/equivalent to receive email communications from NJEDA about the status of your application? *

Yes No

Chief Executive Officer/Owner/Equivalent Address *

Consultant Information

While not required, we understand that some applicants may choose to utilize consultants for support. While the NJEDA will direct all communications to the primary point of contact, please also provide us with information about any consultants supporting you on this application.

Would you like to designate a consultant contact who is assisting with this application? *

Yes No

Salutation

First Name *

Middle Initial

Last Name *

Suffix

Selecting "No" hides rest of fields on page.



Company*

Test 4

Title*

Test 4

Email Address*

test@test.com

Confirm Email Address*

test@test.com

Phone*

(111) 111-1111

Are you a Registered Governmental Affairs Agent?*

Yes No

Government Affairs Registration Number*

1111111111

Consultant Address*

test

Address Line 2

test

New Jersey

00000

United States



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[Save](#)

Legal Counsel

If approved, NJEDA will utilize form contractual documents, such as an approval letter and a commitment agreement. Applicants will have limited opportunity to request non-standard modifications of the agreements. If you would like, please provide the contact information for the applicant company's legal counsel that will support on this project. This contact may be either internal or external counsel.

Would you like to designate a legal counsel contact? *

Yes No

Salutation

First Name *

Middle Initial

Last Name *

Suffix

Selecting "No" hides rest of fields on page.



Company *

Test

Title *

Test 5

Email Address *

test@test.com

Confirm Email Address *

test@test.com

Phone

(111) 111-1111

Is the legal counsel contact a Registered Government Affairs Agent? *

Yes No

Government Affairs Registration Number *

Test222

Would you like the listed legal counsel contact to receive email communications from NJEDA about the status of your application? *

Yes No

Legal Counsel Address *

test

Address Line 2

test

New Jersey

00000

United States 

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Media Contact

NJEDA often works with an applicant company's public relations or media relations representative on press releases and press inquiries regarding approved projects. If you would like, please provide the contact information for the applicant company's media contact that will support on this project.

Would you like to designate a media contact? *

Yes No

Salutation

First Name *

Middle Initial

Last Name *

Suffix

Selecting "No" hides rest of fields on page.



Title *

Test

Email Address *

test@test.com

Confirm Email Address *

test@test.com

Phone

(111) 111-1111

Media Contact Address *

test

Address Line 2

test

New Jersey

00000

United States 

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Applicant Organization

In this section, we are collecting information about the organization that is applying for assistance. We are focused on the primary applicant only. We may collect information on affiliates, parent companies, holding companies, or other related entities in the following sections of the application.

Applicant Organization Name *

The full name of your registered legal entity. This name should match the name on your formation documents. If you are not sure of your legal entity name, please visit: <https://www.njportal.com/DOR/BusinessNameSearch/Search/BusinessName>

Applicant Doing Business As (DBA)

Entity Type *

Date Established *

Is the applicant, or any person who controls the applicant or owns or controls more than 1% of stock of the applicant, an officer or employee of any agency, authority or other instrumentality of the State of New Jersey? *

- Yes No NA - Applicant Organization is Government Entity

Mailing Address *

test

Address Line 2

test

New Jersey

00000

Applicant Country of Incorporation/Formation *

United States

Applicant State of Incorporation/Formation

New Jersey

Formation Document(s)

Documentation to verify applicant entity's name – must provide company formation documents that relate to the entity applying (Articles of Incorporation, Articles of Organization, Certificate of Incorporation, Certificate of Trade Name (filed at county clerk's office-for sole proprietors))

- **Sole Proprietor:** [Provide a Certificate of Trade Name](#) (filed with the County Clerk)
- **LLC:** [Certificate of Formation](#)
- **Corporation:** [Certificate of Incorporation and Bylaws](#)
- **Not-for-Profit:** [Certificate of Incorporation and Bylaws](#)
- **Out of State:** If your entity was formed out of state but operates within the State of NJ, you must file a Certificate of Authority when registering the business in NJ and provide that certificate.

Upload

or drag files here.



Test Document.pdf

32.3 KB



Applicant Federal Employer Identification Number (FEIN) *

11-1111111

Applicant New Jersey Tax ID Number *

111111111111

Applicant Organization's Phone Number *

(111) 111-1111

Applicant Organization's Website

Please provide a high-level, 2-3 short paragraph description of the applicant company. This may include the type of business you are involved in, your company's mission statement, the markets or customer base the company serves, and any other information about your business that the NJEDA should understand to review your application. *

Test


North American Industry Classification System (NAICS) Code *

111111

Please be sure to use the same code that is listed on your most recent business tax filings. For help, please see the North American Industry Classification System (NAICS) [U.S. Census Bureau website](#).

Please upload the Tax Clearance Certificate from the NJ Division of Taxation here. *

or drag files here.

 [Test Document.pdf](#) 32.3 KB

Certificates may be requested through the State of New Jersey's online [Premier Business Services \(PBS\) portal](#). Under the Tax & Revenue Center, select Tax Services, then select Business Incentive Tax Clearance. If the applicant's account is in compliance with its tax obligations and no liabilities exist, the Business Incentive Tax Clearance can be printed directly through PBS. [CLICK HERE](#) for instructions on how to secure your tax clearance certificate.

Selecting “No” hides upload field.


→ **Is the applicant involved in religious activities or is religiously affiliated? ***

Yes No

Please note that this requires additional questions to determine eligibility of the requested financial assistance.

Religious Affiliation Form *

or drag files here.

 [Test Document.pdf](#)
32.3 KB

The NJEDA will need to collect additional information from you if your entity is involved in religious activities or is religiously affiliated. Please download the religious activity questionnaire form. [DOWNLOAD HERE](#).

Selecting “No” hides rest of fields on page.

→ **Has the applicant, or any related entities, previously received NJEDA assistance? ***

Yes No

Please list the entities who have received this assistance. *

Please describe the NJEDA assistance the applicant company previously received. Please be as specific as possible in detailing the programs through which you received NJEDA assistance, the facilities or projects associated with that assistance, the timeframes in which the assistance was provided, and the status of any awards or agreements. *

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

Cannabis Questionnaire

Has the applicant applied for or been issued a license, including a conditional license, from the New Jersey Cannabis Regulatory Commission (NJ-CRC) to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service; or does the applicant employ or intend to employ, or is the applicant itself, a certified personal use cannabis handler to perform work for or on behalf of a cannabis establishment, distributor, or delivery service? *

Yes No

If the applicant is a property owner, developer, or operator of a project: is the property being used or intended for use, in whole or in part, (1) by or to benefit a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, (2) to employ a certified personal use cannabis handler to perform work for or on behalf of a cannabis establishment, distributor, or delivery service, (3) by a person or entity that has applied or intends to apply to the New Jersey Cannabis Regulatory Commission (NJ-CRC) for a license to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service or has applied for certification to be, or intends to employ, a certified personal use cannabis handler to perform work for or on behalf of a cannabis establishment, distributor, or delivery service? *

Yes No

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Save

Selecting “Minority”
shows next 2 fields.



Diversity, Equity, & Inclusion

In this section, we would like more information about the diversity of your organization. Answers have no impact on eligibility for assistance and providing information is optional, to be used for tracking purposes only. Within each of these questions, “Prefer not to answer” can be selected if that is the case OR if the question is not applicable to your organization.

With which of the following does the majority owner of the applicant organization self-identify (if applicable)? *

- Minority
- Woman
- Veteran
- LGBTQ
- Disabled
- None of the above
- Prefer not to answer

Please indicate the majority owner's race(s): *

- Black or African American
- American Indian and Alaskan Native
- Asian
- Native Hawaiian or Other Pacific Islander
- Other
- Prefer not to answer

Please select the ethnicity or ethnicities that the majority owner most closely identifies with: *

- Black
- East Asian (e.g. Chinese, Korean)
- Latino/a/x or Hispanic
- Middle Eastern/ Northern African (e.g. Egyptian, Iranian)
- North American Aboriginal, Alaska Native, First Nations, Metis, or Inuit
- South Asian (e.g. Thai Vietnamese)
- Other
- Prefer not to answer

Please select which of the following State of New Jersey certifications the applicant organization currently holds: *

- Small Business Enterprise (SBE)
- Disadvantaged Business Enterprise (DBE)
- Minority-Owned Business Enterprise (MBE)
- Woman-Owned Business Enterprise (WBE)
- Veteran-Owned Business Enterprise (VOB)
- Disabled Veteran-Owned Business Enterprise (DVOB)
- None of the above
- Prefer not to answer

Additional DE&I Information

In this section, we would like more information about any actions your organization has taken or is taking with respect to Diversity, Equity, and Inclusion.

Please describe whether your organization's leadership team is made up of a diverse group of individuals. Please provide as much detail as possible about the composition of your leadership team as it relates to groups that have been historically underrepresented (minority, woman, veteran, LGBTQ, disabled).

→

- Question is not applicable
- Prefer not to answer

Please describe whether your organization's Board of Directors is made up of a diverse group of individuals. Please provide as much detail as possible about the composition of your Board of Directors as it relates to groups that have been historically underrepresented (minority, woman, veteran, LGBTQ, disabled).

- Question is not applicable
- Prefer not to answer

For all text entry fields in this section, text entry is required unless N/A options below are selected. Should text be entered, N/A options are hidden from applicant to prevent selection.

In this section, we would like more information about any actions your organization has taken or is taking with respect to Diversity, Equity, and Inclusion

- Question is not applicable
- Prefer not to answer

Please upload any documentation detailing diversity initiatives, if available.

or drag files here.

Language Assistance

Selecting "Yes" hides next field.



Is English your primary language? *

No

Selecting "No" hides next field.



If the NJEDA needs to contact you regarding your application, would you be interested in having an EDA provided interpreter in your native language? *

Yes

Please identify which of the following languages is your primary language: *

한국어 (Korean)

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Tax Credit Bid

In this section of the application, the applicant will provide information about the applicant's eligibility to purchase tax credits, the type and amount of tax credits they would like to purchase, and the price of the tax credits. The applicant's total amount owed is a product of the face value of tax credit requested and the bid price. For example, an applicant may request \$10,000,000 of tax credits, with a bid price of 95% (95 cents on the dollar). In this case, the total financial bid, or amount owed, will be \$9,500,000 if the bid is successful.

If approved, does the applicant plan to use the purchased tax credits against Corporate Business Tax liability or Insurance Premiums Tax liability? *

Insurance Premiums Tax 

Please confirm that the applicant has tax liability for the tax indicated in the previous question. Eligibility for the Food Desert Relief Tax Credit Auction is limited to New Jersey Corporate Business Tax or Insurance Premiums Tax filers. Tax credits purchased through the auction will be issued in the name of the applicant entity. Affiliated entities may apply separately for the amount and type of credit each entity needs, or follow the transfer provisions in the Food Desert Relief Act to transfer between entities after the auction has taken place.

I confirm that Test Organization has tax liability for the tax indicated in the previous question.

What is the applicant's filing period? *

January 1 - December 31

For example, if the applicant is a calendar year filer, indicate January 1 - December 31.

Face Value of Tax Credits Requested *

\$5,000,001.00

The amount of tax credits purchased by applicants must be at least \$500,000.

Bid Price *

85.0%

Enter responses as a percent of face value. Bids must be at least 85% (85 cents on the dollar).

Total Bid

\$4,250,000.85

The applicant organization commits to this bid as calculated above.

Please note: A company that buys a tax credit through the auction may transfer or sell their credit, in whole or in part (no less than \$25,000), for a minimum of \$0.85 per dollar of credit. A sale agreement between a company that buys a tax credit through the auction and an entity to whom that credit is subsequently sold must be from the same privilege period during which the entity applies for the transfer certificate. Only one transfer or sale is allowed after the original transaction with NJEDA. Once a tax credit is applied to a return it can no longer be sold.

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Development Subsidies

Is the applicant requesting or in receipt of any development subsidies? *

Yes

Development subsidies, as defined in [P.L. 2007, c. 200](#). Examples include but are not limited to State, Federal, or local grants; Foundation grants; PILOT agreements (Payments In Lieu Of Taxes), etc.

Development Subsidy

⊗ Subsidy 1

Name of Granting Body *

Test

Anticipated or Committed *

Committed

Selecting "No" hides rest of fields on page.



Date Anticipated or Committed *

5/15/2023



Value of Development Subsidy *

\$100.00

Describe Development Subsidy *

Test



+ Add Subsidy

Aggregate Value of All Development Subsidies Applicant is Requesting or Receiving

\$100.00

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Save

Definition of Development Subsidies: P.L. 2007 c. 200

“Development subsidy” means the authorizing of the provision or **providing to a recipient corporation of an amount of funds by or from a public body with a value of not less than \$25,000 for the purpose of stimulating economic development in New Jersey, including, but not limited to, any bond, grant, loan, loan guarantee, matching fund or any tax expenditure.** “Development subsidy” does not refer to any contract under which a public body purchases or otherwise procures goods, services or construction on an unsubsidized basis, including any contract solely for the construction or renovation of a facility owned by a public body. “Development subsidy” does not mean any authorizing or providing of funds by or from a public body to a recipient corporation, including by means of a tax expenditure, for the exclusive purpose of the development or production of affordable housing, for the exclusive purpose of subsidizing site remediation, recycling, commuter transportation assistance, pollution reduction, energy conservation or other programs to improve the environment, or for the exclusive purpose of providing benefits to employees of the recipient corporation. “Development subsidy” does not mean any authorizing or providing of funds by or from a public body to a non-profit organization, including by means of a tax expenditure, for the exclusive purpose of subsidizing the development of facilities used to provide recreational, educational, arts or cultural programs or childcare or healthcare services.

Selecting “No” or N/A here or below indicates that primary applicant cannot legally represent their organization.

If this is the case, the Legal Questionnaire, Russia/Belarus certification, and Applicant Certification sections are replaced with PDF forms and instructions to have an authorized representative fill and sign them.

Applicant Representation

Is the individual filling out this application employed by the organization that is applying for the program? *

Yes

Is the individual filling out this application one of the following:

- for a corporation: a principal executive officer at least the level of vice president;
- for a partnership: a general partner;
- for a sole proprietorship: the proprietor;
- for a governmental entity: the contact person (business administrator, manager, mayor, etc.);
- for other than above: the person with legal responsibility for the application.

Yes

Please indicate which of the following best describes the individual filling out this application? *

Principal Executive Officer at or above the minimum level of Vice President

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Legal Questionnaire (1/5)

New Jersey Economic Development Authority Legal Questionnaire

Applicant Name: **Testing 1 2 3**

Please note "Applicant" includes individuals and all types of entities applying for and receiving NJEDA financial assistance, incentives or contracts, including but not limited to: for profit businesses, non-profit organizations, municipalities, counties, colleges, universities and other institutions of higher learning.

Persons (entities or individuals) applying for NJEDA programs 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 ("Legal Questionnaire") pertaining to causes that may lead to debarment, disqualification, or suspension from eligibility under the Regulations and Executive Orders 34 (Byrne 1976) and 189 (Kean 1988) after consideration of all relevant mitigating factors.

Note that this form has recently been modified.
Please review this form in its entirety prior to providing any responses or certifications.

DEFINITIONS

Notwithstanding any terms defined elsewhere or otherwise herein, the following definitions shall govern in responding to this Legal Questionnaire:

"Affiliates" means any entities or persons having an overt or covert relationship such that any one of them directly or indirectly controls or has the power to control another. This includes (however is not limited to):

- entities or persons having an ownership interest in the applicant of 30% or greater;
- entities in which an applicant holds an ownership interest of 30% or greater and are either named in the application and/or agreement or will receive a direct benefit from the financing, incentive or other agreement with NJEDA; and
- other entities that are named in the application and/or agreement, or that will receive a direct benefit from the financing, incentive, or other agreement with NJEDA.

"Legal Proceedings" means any civil, criminal, or administrative or regulatory proceedings in a State or Federal court or administrative tribunal in the United States or any territories thereof.

RELEVANT AFFILIATES

In accordance with the above, please identify any individuals or entities that hold a **30% or more ownership in the applicant:**

Are there any individuals or entities that hold a 30% or more ownership interest in the applicant? *

Legal Questionnaire (2/5)

RELEVANT AFFILIATES

In accordance with the above, please identify any individuals or entities that hold a 30% or more ownership in the applicant:

Are there any individuals or entities that hold a 30% or more ownership interest in the applicant? *

Applicant-Owned Affiliates

In accordance with the above, please identify any entities in which the applicant holds a 30% or more interest, and are either named in the application and/or agreement, or will receive a direct benefit from the financing, incentive, or other agreement with NJEDA.

ADD APPLICANT-OWNED AFFILIATES

Entity ↑	FEIN #
There are no records to display.	

Other Affiliates

In accordance with the above, please identify any other entities not already identified that are either named in the application and/or agreement, or that will receive a direct benefit from the financing, incentive, or other agreement with NJEDA:

ADD OTHER AFFILIATES

Entity ↑	FEIN #
There are no records to display.	

Affiliate Owners

ADD AFFILIATE OWNERS

Entity ↑	Ownership Percentage
There are no records to display.	

There are 2 options, "Yes" and "No." Selecting "Yes" will show additional field.

Each section will prompt you accordingly to fill out **Affiliates**.

RELEVANT TIMEFRAMES

Responses should be given based on the following "look-back" periods:

- For civil matters, those that were either pending or concluded within 5 years of the reporting date;
- For criminal matters, those that were either pending or concluded within 10 years of the reporting date;
- For environmental regulatory matters, those that were either pending or concluded within 10 years of the reporting date; and
- For all other regulatory matters, those that were either pending or concluded within 5 years of the reporting date.

Note that in cases where Applicant has previously submitted and certified a legal questionnaire to the Authority, the Applicant may refer to its prior legal questionnaire and report only those matters that are new or have changed in status since the date of last reporting.

Legal Questionnaire (3/5)

Part A. Past Proceedings

Has Applicant, or any identified Affiliates of Applicant, been found or conceded or admitted to being guilty, liable or responsible in any Legal Proceeding, or conceded or admitted to facts in any Legal Proceedings that demonstrate responsibility 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 there under, or in the performance of such contract or subcontract. *

2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, fraud, 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. *

3. Violation of the Federal or State antitrust statutes, or of the Federal Anti-Kickback Act (18 U.S.C. 874). *

4. Violation of any law governing the conduct of elections of the Federal Government, State of New Jersey or of its political subdivision. *

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. 10:1-10, et seq.). *

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. *

7. To the best of your knowledge, after reasonable inquiry, violation of any law governing the conduct of occupations or professions of regulated industries. *

8. Debarment by any department, agency, or instrumentality of the State or Federal government. *

9. Violation of the Conflict of Interest Law, N.J.S.A. 52:13D-12 et seq., including 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-13(i), 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-13(g).
- 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 NJEDA Ethics Liaison Officer.

Legal Questionnaire (4/5)

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-13(g). Any relationships subject to this subsection shall be reported in writing to the NJEDA Ethics Liaison Officer and the State Ethics Commission, 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, actuality 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.

10. Violation 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 there was any monetary award, damages, verdict, assessment or penalty, 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.

ii. Laws prohibiting or banning any form of forced, slave, or compulsory labor.

iii. The New Jersey Conscientious Employee Protection Act, N. J. Stat. Ann. § 34:19-1 et seq., or other "Whistleblower Laws" that protect employees from retaliation for disclosing, or threatening to disclose, to a supervisor or to a public body an activity, policy or practice of the employer, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law.

iv. Securities or tax laws resulting in a finding of fraud or fraudulent conduct.

v. Environmental laws, where the monetary award, penalties, damages, etc. amounted to more than \$1 million.

vi. Laws banning anti-competitive dumping of goods.

vii. Anti-terrorist laws.

viii. Criminal laws involving commission of any felony or indictable offense under State or Federal law.

ix. Laws banning human rights abuses.

x. Laws banning the trade of goods or services to enemies of the United States.

Part B. Pending Proceedings

11. To the best of your knowledge, after reasonable inquiry, are Applicant, or any officers or directors of Applicant, or any Affiliates, 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? With respect to laws banning or prohibiting discrimination or harassment in the workplace, please provide only information pertaining to any class action lawsuits or individual lawsuits alleging violations under the New Jersey Law Against Discrimination. *

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 name and court/administrative agency (including jurisdiction and venue) in which such matters were tried or are pending; (ii) the charges or claims adjudicated or alleged; and (iii) status of the matter (e.g. Pending Dismissed following Settlement, Dismissed following Motion, etc.).

Please Note: An Applicant may refer to or attach specific provisions of a 10-K/Q or other filings with the U.S. Securities and Exchange Commission (SEC); however, the Applicant should be aware that different laws apply to disclosures to the Authority. This means that the Authority does not have the same types of materiality thresholds as the SEC. The Applicant is expected to supplement its SEC filings to ensure that all relevant matters are disclosed to the Authority, including any matters that were below the SEC's materiality threshold and any matters that may have occurred after its most recent filing.

Please Note: Eligibility is determined based on the information presented in the completed Application. If, at any time while engaged with the Authority the Applicant should become aware of any facts that materially alter or change its answers, or that render any of them incomplete or inaccurate, the Applicant has a duty to promptly report such facts to the Authority in writing. The Authority reserves the right to require additional clarifying or explanatory information from the Applicant regarding the answers given, to ask additional questions not contained in this Legal Questionnaire, and to perform its own due diligence investigations and searches.

Document	Files
Legal Questionnaire Addendum	Add Files

Legal Questionnaire (5/5)

CERTIFICATION OF LEGAL QUESTIONNAIRE AND AUTHORIZATION TO RELEASE INFORMATION

This certification shall be signed as follows:

- by applicant's General Counsel or Chief Legal Officer (recommended); or
- for a corporation, by a principal executive officer at least the level of vice president;
- for a partnership, by a general partner;
- for a sole proprietorship, by the proprietor;
- for a governmental entity, by the contact person (business administrator, manager, mayor, etc.);
- for other than above, by the person with legal responsibility for the application.

I hereby represent and certify that I have reviewed the information contained in this Legal Questionnaire, and that the foregoing information is true and complete under penalty of perjury. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. I further agree to inform the New Jersey Economic Development Authority of any changes in the foregoing information which may occur prior to execution of any agreement with the Authority, and so long as any such agreement is in effect. Failure to disclose relevant matters may render the Applicant ineligible for the financial benefits sought and may subject the Applicant to disqualification, debarment, suspension, or referral to the office of the state's Attorney General.

The undersigned, on behalf of the Applicant, understands and acknowledges that information and documents provided to the New Jersey Economic Development Authority: (1) are subject to public disclosure during deliberations of the Authority at public meetings regarding the application and as set forth in the minutes of the Authority's public meetings; and (2) are subject to public disclosure under certain laws, including, but not limited to, the Open Public Records Act, N.J.S.A. 47A:1-1 et seq., and the common law right-to-know.

Electronic Signatures

Pursuant to written policy, the New Jersey Economic Development Authority allows documents to be signed electronically and hereby agrees to be bound by such electronic signatures. Please confirm that you, as a signatory to this document, also agree to be bound by electronic signatures.

Legal Questionnaire Electronic Signature *

Title *

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Certification of Non-Involvement in Activities in Russia or Belarus

CERTIFICATION OF NON-INVOLVEMENT IN ACTIVITIES IN RUSSIA OR BELARUS

Program Name: |

Applicant Name:

Applicant DBA:

Pursuant to N.J.S.A. 52:32-60.1, et seq. (P.L. 2022, c.3) any person or entity (hereinafter 'Applicant') that seeks to be approved for or continue to receive an economic development subsidy from the New Jersey Economic Development Authority must complete the certification below indicating whether or not the Applicant is identified on the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, available here: (<https://sanctionssearch.ofac.treas.gov/>). If the New Jersey Economic Development Authority finds that an Applicant has made a certification in violation of the law, it shall take any action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party. By signing this certification, Applicant agrees that it has an affirmative ongoing obligation to disclose to NJEDA whether it appears on the OFAC list for any reason, during the application process and the agreement term.

Certification

I, the undersigned, have read and reviewed the Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons list, and having done so certify (must check one appropriate box and complete the Authorized Signature section below):

A. That the Applicant is not identified on the OFAC Specially Designated Nationals and Blocked Persons list on account of activity related to Russia and/or Belarus and is not engaged in activities related to Russia or Belarus. OR

B. That I am unable to certify as to "A" above because the Applicant is identified on the OFAC Specially Designated Nationals and Blocked Persons list on account of activity related to Russia and/or Belarus. OR

C. That I am unable to certify as to "A" or "B" above because the Applicant, though identified on the OFAC Specially Designated Nationals and Blocked Persons list on account of activity related to Russia and/or Belarus, is engaged in activities in Russia or Belarus consistent with federal law, regulation, license or exemption. A detailed, accurate and precise description of how the Applicant's activity related to Russia and/or Belarus is consistent with federal law is set forth below, including a copy of the license or listing the exemption. (Attach Additional Sheets If Necessary.)

Authorized Signature

I understand that if the above statements are willfully false, I shall be subject to penalty.

Applicant Authorized Representative	Name Test Test	Title vp	Applicant FEIN 86-7576877
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E-Signature of Applicant Authorized Represent:

Definitions

"Economic development subsidy" means the provision of an amount of funds to a recipient with a value of greater than \$25,000 for the purpose of stimulating economic development in New Jersey, including, but not limited to, any investment, bond, grant, loan, loan guarantee, matching fund, tax credit, or other tax expenditure.

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Certification of Application

PLEASE NOTE:

Eligibility of financial assistance by the New Jersey Economic Development Authority is determined by the information presented in this application and the required attachments and schedules. Any changes in the status of the proposed project from the facts presented herein could disqualify the project. Only Board Members of the governing board of the particular program for which you are applying, by resolution, may take action to determine project eligibility and to authorize the issuance of funds.

I, **Test 2 Test 2**, THE UNDERSIGNED, BEING DULY SWORN UPON MY OATH SAY:

I affirm, represent, and warrant that the information contained in this application and in all associated attachments submitted herewith is to the best of my knowledge true and complete and that the funding applied for herein is not for personal, family, or household purposes. *

I understand that if such information is willfully false, I am subject to criminal prosecution under N.J.S.A. 2C:28-2 and civil action by the NJEDA which may at its option terminate its financial assistance. *

I authorize the New Jersey Department of Law and Public Safety to verify any answer(s) contained herein through a search of its records, or records to which it has access, and to release the results of said research to the NJEDA. *

I authorize the NJEDA to provide information submitted to it by or on behalf of the applicant to any bank or State agency which might participate in the requested financing with the NJEDA. *

I certify my understanding that an electronic signature of this Application and any Approval Letter or Agreement shall be a binding on the parties. *

I certify that the applicant organization is not in default with any other program administered by the State of New Jersey. *

Certification of Application Continued

PLEASE NOTE:

Eligibility of financial assistance by the New Jersey Economic Development Authority is determined by the information presented in this application and the required attachments and schedules. Any changes in the status of the proposed project from the facts presented herein could disqualify the project. Only Board Members of the governing board of the particular program for which you are applying, by resolution, may take action to determine project eligibility and to authorize the issuance of funds.

I, Test 2 Test 2, THE UNDERSIGNED, BEING DULY SWORN UPON MY OATH SAY:

I acknowledge that subject to the terms of the program, the tax credit bid application is binding for 120 days following submission of this application, and the Authority may seek best and final offers. *

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Deposit Required

The applicant must submit a refundable deposit of 10% of the purchase offer, not to exceed \$500,000. This deposit will be applied to the final amount paid. If the bid is declined, the 10% deposit will be refunded.

This deposit must be initiated, AND documentation that the deposit has been initiated must be provided to NJEDA, by 5:00 PM ET on [APPLICATION CLOSE DATE] or the bid will be considered incomplete and will be declined.

Wire transfer instructions for this program will be emailed to the applicant upon submission of this application but are also available below.

Bank Name: Wells Fargo
Bank Address: 50 East State St
Trenton, NJ 08625
Account #: 2100 00910 0456
Account Name: NJEDA Operating
ABA #: 121 000 248
Reference: Please include Applicant Name

Deposit Required

\$425,000.09


- The applicant organization agrees to remit to the Authority via wire transfer of immediately available funds a refundable deposit in an amount equal to the lesser of ten percent of the tax credit purchase offer or \$500,000. The applicant acknowledges that the application will not be considered complete if this deposit is not initiated by 5:00 PM ET on [APPLICATION CLOSE DATE].

Has the applicant organization initiated payment of the required deposit? *

Yes ▼

Please upload documentation showing that wire transfer of the deposit has been initiated. *

or drag files here.

 [Test Document.pdf](#) 32.3 KB ↓ ⊗

Please redact bank account or personal identifying information.

The application will not be considered complete unless this deposit is initiated AND documentation is shared with NJEDA by 5:00 PM ET on [APPLICATION CLOSE DATE]. If you have initiated payment of the deposit but do not have documentation to upload, select "No" and contact FDRTCAuction@NJEDA.gov.

Selecting "No" hides rest of fields on page, keeping text reminder that a deposit is required for the application to be considered complete.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

Electronic Signature

Pursuant to written policy, the New Jersey Economic Development Authority allows documents to be signed electronically and hereby agrees to be bound by such electronic signatures. Please confirm that you, as a signatory to this document, also agree to be bound by electronic signatures.

I agree to be bound by electronic signatures

Full Name *

Test Test

Title *


Test

Signature *



draw type

Date *

5/31/2023 

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Application Submission

Thank you for your interest in the Food Desert Tax Credit Auction. Your application is now complete.

If you are ready to submit this application to the NJEDA for review, please click the Submit button.

If you would like to make any changes to the application at this point, please click the Back button.

If there is any additional supporting documentation that you would like to provide, please use the upload button below.

or drag files here.

Full Name *

Test

Title *

Test

Date *

5/31/2023





PART 6
Q&A

We will be using the Q&A feature to take all your questions



Open (2)

Answered (1)

Dismissed

Anonymous Attendee 11:26 AM

How can I schedule a meeting?

Answer live

Type answer

In addition to this webinar, there are several ways to learn more about this program:

 Visit <https://www.njeda.gov/food-desert-relief-tax-credit-auction/> for resources:

- Frequently Asked Questions (regularly updated)
 - Sample application
 - Application checklist
 - Tax credit purchase agreement template
 - Detailed overview of the auction process
-

 Email FDRTCAuction@njeda.gov with questions:

- **Questions may be submitted until 14 days before the auction opens**
 - FAQ will be updated on a rolling basis with answers to submitted questions
 - Final FAQ update will be posted no less than 7 days before the auction opens
-



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