

January 22, 2020

Enterprise Zone Annual Report due by June 30, 2020

- ***All*** approved companies must ***still*** submit an annual report, or notify the Coordinating Council that nothing was claimed during 2019, by June 30, 2020
- Company must still provide attestation of compliance
- Failure to submit the annual report may jeopardize future credits

Dear Participant in the South Carolina Enterprise Zone Program:

Under Section 12-10-80(A) of the South Carolina Code of Laws ("Code"), each company participating in the Enterprise Zone program must file an annual report with the Coordinating Council and the Department of Revenue, regardless of whether or not the company claimed ***any*** Job Development Credits (JDCs) during calendar year 2019.

Regardless of the amount claimed in 2019, all companies must do the following:

1. Review the Compliance Attestation that must be submitted along with the annual report;
2. Perform an internal audit of compliance to determine whether the amount claimed each quarter was correct and identify any amendments that may need to be made to 2019 claims; and
3. Complete the annual report, including all attached schedules and the signed Compliance Attestation, and email to Donna Tucker or Wanda Wright at the Coordinating Council ***by June 30, 2020***. No need to mail.

dtucker@sccommerce.com

wwright@sccommerce.com

If you claimed more than \$10,000 during 2019, the Department of Revenue will invoice the company for \$1,000 to offset the Department of Revenue's cost of performing an audit. This fee will be invoiced regardless of whether the Department of Revenue audits this year. The Department of Revenue is required to audit companies claiming in excess of \$10,000 at least once every three years.

What format should I use this year?

The format this year is similar to the format for last year. Remember that several of the schedules contain historical data for prior years. A blank annual report with all schedules and the Compliance Attestation is attached.

We are sending the report electronically to the contacts specified in your Revitalization Agreement under Exhibit A, Item 9 – Notices. **You may also download an electronic copy of the 2019 Annual Report from the Commerce website. Simply go to www.SCCommerce.com. Click on the About SC Commerce tab, from there scroll down to the middle of the page to the SC Coordinating Council for Economic Development link. Once there click on the link for the 2019 Annual Report.**

What if we were only certified to start claiming in 4th quarter 2019?

Each year, we get questions from companies who were certified late in the previous year to start claiming JDCs. If you were certified to make your first claim during the 4th quarter of 2019, for example, you may not have received your first refund check by the time you complete your annual report. However, if you were entitled to and will submit a claim for 4th quarter 2019, **you will still owe the Coordinating Council an annual report**. The good news is that it will be fairly simple to complete. Base the information on JDCs claimed versus refunds received.

What if we were certified in 2019 but will not begin claiming until 2020?

If your company was certified but failed to maintain eligibility, or for some other reason has chosen not to make its first claim during 2019, you do not need to complete the annual report. **Simply send us a notarized letter stating that you intend to make no claims for 2019.** Please note that the term of collection can begin no later than the quarter following the quarter that includes the cut-off date.

Where do I send my annual report?

Please email **the annual report to Donna Tucker or Wanda Wright.** We have found that it works best if we receive the report here at the Coordinating Council and handle distribution to the Department of Revenue ourselves. That way, we can make sure you get properly credited with having submitted your annual report. Therefore, please email to:

dtucker@scommerce.com

or

wwright@scommerce.com

Additional Important Program Information:

Under your Revitalization Agreement (RVA) documents, a “New Job” has the same meaning as set forth in Section 12-6-3360(M)(3) of the Code except that (i) it shall be deemed to include only such jobs as are created at the project between the first day of the company’s taxable year in which the application is approved and the cut-off date and (ii) for applications filed after May 1, 2007, it does not include half-time jobs. Unless the Coordinating Council approved otherwise by special stipulation, the cut-off date is the fifth anniversary of the date the application was approved. All applications filed prior to February 1, 2004, allow a company to exceed their minimum job requirement (mjr) by up to 50% and have those jobs be subject to JDCs. Applications file after February 1, 2004, do not have such fluctuation and may not claim on any more than the number of jobs included in the minimum job requirement.

Other Questions

If you have any other questions, please feel free to contact the Coordinating Council. You can contact Marcella Forrest at the Coordinating Council’s main office in Columbia, at (803) 734-0429.

Coordinating Council for Economic Development

1201 Main Street, Suite 1600 ♦ Columbia, SC 29201

Phone: (803) 734-0429 ♦ Fax: (803) 734-0385

Executive Director: Alan D. Young ♦ Legal Counsel: Cyndy Turnipseed
Senior Program Manager: Marcella Forrest

ENTERPRISE ZONE ANNUAL REPORT – JDC REFUND 2019
ENTERPRISE ZONE ACT OF 1995, SECTION 12-10-10 et seq.

1. General Information:

a. Participating Enterprise Zone Company:

Legal Name: _____

DBA Name: _____

Name on RVA: _____

(Name on cover of Revitalization Agreement)

Identification of RVA Project facility: _____

(ie, XYZ Plant or expansion of ABC Facility)

b. Federal Tax ID # for Participating Company: _____

c. SC Withholding Tax ID # for Participating Company: _____

d. Project Number: EZ _____ *

(*Please attach a separate set of schedules for each facility/project(s) approved for the Enterprise Program.)

2. Contact Information:

a. Name, phone number and e-mail address of individual completing annual report:

b. Name, phone number, and e-mail address of individual performing review of Company's compliance under the program:

c. Contact information for individual responsible for filling out SC payroll tax forms and relationship of that person to Project facility (ie, controller or payroll administrator at Project site, corporate controller or payroll manager, third party payroll provider, etc.). Include name, title, Company name if different from Participating Company's name, phone number and address.

3. Certification Data:

a. Date Company was certified to begin claiming JDCs: _____

b. Company submitted first JDC claim for quarter _____ of the year _____.

4. Job Development Credit Data:

- a. Current Reporting Period: 1/1/ 2019 through 12/31/ 2019.

- b. Maximum Number of Jobs Created Prior to Cut-off-date: _____ Date Met: _____

- c. JDCs claimed for quarters falling within Current Reporting Period: Attach Schedule A

- d. Summary of JDCs Claimed by Wage Category: Attach Schedule B

- e. JDCs Company was **entitled** to claim for quarters falling within Current Reporting Period: Attach Schedule C

- f. JDCs Company claimed during prior reporting periods, as reported on prior year audits or annual reports: Attach Schedule D

- g. Amendments to prior-year JDC claims during the Current Reporting Period: Attach Schedule D1

NOTE: This schedule is required if payroll tax returns for any quarter prior to the Current Reporting Period were amended to increase or decrease the amount of JDCs claimed.

- h. Annual Report/Audit History: Attach Schedule E

- i. Eligible expenditures and amount reimbursed to date: Attach Schedule F

The company asserts that this report, including all attached and supporting schedules, contains information which, in all material respects and to the best of our knowledge and belief, is complete, accurate and true, as indicated by our signature below.

Name of Company Official (Printed)

Name of Company Official (Signature)

Title of Company Official (Printed)

Date

ENTERPRISE ZONE ANNUAL REPORT – JDC REFUND 2019

SCHEDULE A

Job Development Credits Actually Claimed for the Current Reporting Period

Year (A)	Quarter # (B)	Original Amount Claimed by Company (C)	Final Amount Claimed by Company (Including amendments) (D)	Date Amended (E)	Reason(s) for Amendment (F)
2019	1	\$	\$		
2019	2	\$	\$		
2019	3	\$	\$		
2019	4	\$	\$		
Total		\$	\$		

ENTERPRISE ZONE ANNUAL REPORT – JDC REFUND 2019

SCHEDULE B

Summary of Job Development Credits Claimed by Wage Category
during Current Reporting Period

Wage Category (B)	Applicable JDC Percentage	Total Amount Claimed (C)
\$10.18 - \$13.56	2%	\$
\$13.57 - \$16.95	3%	\$
\$16.96 - \$25.44	4%	\$
\$25.45 and over	5%	\$
	Total	\$

SCHEDULE C

Job Development Credits Company Was Entitled to Claim during Current Reporting Period

Note: Schedule C relates to your company's compliance with program requirements. Please note that an attestation as to your company's compliance is required and must be attached to this annual report.

If the amount claimed (Column C) and the amount the company was entitled to claim (Column D) differ for any quarter, attach an explanation for each variance and describe what the company intends to do to remedy the amount claimed. If amended tax returns are to be filed, you must submit copies of the amended tax returns as soon as possible.

Year (A)	Quarter # (B)	Amount Claimed (Col D from Schedule A) (C)	Amount Company Was Entitled to Claim (D)
2019	1	\$	\$
2019	2	\$	\$
2019	3	\$	\$
2019	4	\$	\$
Total		\$	\$

ENTERPRISE ZONE ANNUAL REPORT – JDC REFUND 2019

SCHEDULE D

Job Development Credits Company Claimed During Prior Reporting Periods

Note: If a prior year audit/report was conducted during the current reporting period, or if last year’s Schedule C indicated differences between the amount claimed and the amount the company was entitled to claim, please attach evidence of having remedied the variance. (Evidence includes copies of amended quarterly reports and quarterly withholding tax returns, or WH 1605 AZ and WH 1606 AZ.)

Year (A)	Total Amount Claimed (As Reported on Annual Audit or Report) (B)	Total Amount Entitled to be Claimed (As Reported on Annual Audit or Report) (C)	Variance & Remedy (D)
2004	\$	\$	
2005	\$	\$	
2006	\$	\$	
2007	\$	\$	
2008	\$	\$	
2009	\$	\$	
2010	\$	\$	
2011	\$	\$	
2012	\$	\$	
2013	\$	\$	
2014	\$	\$	
2015	\$	\$	
2016	\$	\$	
2017	\$	\$	
2018	\$	\$	
Total	\$	\$	

ENTERPRISE ZONE ANNUAL REPORT – JDC REFUND 2018

SCHEDULE E

Annual Report / Audit History*

Year (A)	JDCs Claimed (yes/no) (B)	Annual Report/Audit Performed By (Individual/company/name of audit firm) (C)	CPA or Company Contact (Name & Phone Number) (D)
2004			
2005			
2006			
2007			
2008			
2009			
2010			
2011			
2012			
2013			
2014			
2015			
2016			
2017			
2018			

*For any calendar year from 1995 through 2001, during which more than \$10,000 was claimed, the company should have had an audit performed by an independent Certified Public Accounting Firm. If less than \$10,000 was claimed, the company could have performed an audit themselves. For any year where no audit was performed, please attach explanation and the date by which the missing audits will be submitted to the Coordinating Council and the Department of Revenue.

For any company approved after 2001, an annual audit by an independent Certified Public Accounting Firm is not required, and the company could have performed an audit themselves.

ENTERPRISE ZONE ANNUAL REPORT – JDC REFUND 2019

SCHEDULE F

Qualifying, Eligible Expenditures and Amount Reimbursed to Date

Eligible Costs (A)	Approved & Certified Amount from RVA (B)	Additional Amounts Approved Under Amendment (C)	Total (D)
Eligible Capital Costs			
Land	\$	\$	\$
Building Cost (New Construction)	\$	\$	\$
Purchase of Existing Facility	\$	\$	\$
Renovations/Improvements to Existing Facility	\$	\$	\$
Improvements to Public Private Utilities	\$	\$	\$
Fixed Transportation Facilities	\$	\$	\$
Pollution Control Equipment	\$	\$	\$
Total Eligible Capital Costs	\$	\$	\$
Training Costs	\$	\$	\$
Total Lease Cost*			\$
Lease Costs Incurred to Date*			\$
Total All Eligible Costs			\$
Less: JDCs Claimed To Date			<\$ >
Remaining Reimbursable Amount			\$

*Lease costs may only be included as qualified, eligible expenditures, if they have been approved by Coordinating Council.

Company Assertions Regarding Compliance - Enterprise Job Development Credit Program
Refund Method
For Annual Report Period beginning January 1, 2019 and ending December 31, 2019
Enterprise Project Number EZ _____

I, _____, an authorized representative of _____ (the "Company"), do hereby make the following assertions regarding Enterprise project number EZ _____ (the "Project") and the Company's participation in the Enterprise Zone program and its compliance with the Section 12-10-10 et. al. of the South Carolina Code of Laws, 1976, as amended, and the policies and guidelines of the Coordinating Council for Economic Development (the "Coordinating Council"):

1. The Company is the entity that signed a Revitalization Agreement ("RVA") with the Coordinating Council. Alternatively, the Company is a successor to the original business that entered into the RVA with the Coordinating Council; the RVA has been formally assigned to the Company; the Company has formally assumed all obligations and responsibilities under the RVA; the Coordinating Council has been advised of the change in ownership and the new and correct FEI and SC Withholding file number for the Company; and the Coordinating Council has consented to the transfer of benefits.
2. The Company maintains a record-keeping system that achieves the reporting requirements of the Enterprise Zone program.
3. The Company made no Job Development Credit ("JDC") claims for this Project until the calendar quarter following certification.
4. The minimum job requirement did not change during 2019.
5. Throughout 2019, the Company correctly calculated its allowable credit using the proper county percentage (or percentages, if applicable), the proper 2%, 3%, 4%, or 5% JDC percentage applicable to 2019, and an accurate number of net new jobs.
6. For any quarter in which the Company made a JDC claim, the Company maintained at least 85% or 100% (whichever is applicable) of its minimum number of net new jobs throughout the entire quarter. If net new jobs fell below 85% or 100% (whichever is applicable) of the minimum at any time during the quarter, the Company made no claim for that entire quarter.
7. During 2019, the Company claimed only an allowable number of net new jobs. The maximum number of credits claimed in any quarter did not exceed 100% or 150% of the Company's minimum job requirement (whichever is applicable). If eligible for the 150% increase, the Company understands that eligible positions for JDCs are capped at the lesser of 150% of the minimum job requirement or the actual number of positions created prior to the cut-off date. Accordingly, the Company has not claimed JDCs for any positions created after the cut-off date or (if applicable) for positions above 150% of the minimum job requirement.
8. If the Company was approved for the Enterprise Zone program with the contingency that only those jobs paying above the county average per capita income or other minimum wage requirement are eligible for credits, then, when calculating and claiming credits, the Company excluded from the JDC calculation those positions paying less than the hourly rate stipulated in the approval letter and in Exhibit D to the RVA.
9. If the Company requested an amendment and it was approved with the contingency that only those jobs paying above the county per capita or other minimum wage requirement are eligible for credits, then, when calculating and claiming credits, the Company complied with the terms of the approval by excluding from the JDC calculation those positions (or those additional positions, as appropriate per the terms of the letter) that pay less than the hourly rate stipulated in the approval of amendment and in Exhibit D-1 to the RVA.
10. If the Company was approved for the Enterprise Zone program with the contingency that the Company may only claim up to \$3,250 (or some other amount) per employee per year, the Company has not exceeded such annual limit. Once the Company claimed the annual cap for any employee in a year, the Company continued to count that job in calculating the Minimum Job Requirement, but the Company did not claim any more Job Development Credits for that job for the rest of that year and did not substitute in a new job.
11. The total of all JDCs claimed by the Company to date (including any amended returns increasing or decreasing JDC claims for prior years) does not exceed the total amount of eligible expenditures identified in Exhibit A of the RVA, as amended, if applicable. Alternatively, if lease payments were approved as an eligible expenditure in Exhibit A of the RVA, as amended, if applicable, the total of all JDCs claimed to date (including any amended returns increasing or decreasing JDC claims for prior years) does not exceed the total of actual lease payments made to the lessor to date, plus any other eligible expenditures.

**Company Assertions Regarding Compliance - Enterprise Job Development Credit Program
Refund Method - Continued**

- 12. The total withholding shown on the Company's quarterly payroll tax returns corresponds to the amount withheld from employees at the facility and/or plant site approved under the Project. Likewise, total JDCs claimed on the Company's tax return equal the amount of credits claimed under this Project. Alternatively, in cases where other plant sites and/or divisions or locations of the Company operate in South Carolina and file under the same SC Withholding Tax ID #, and others of these facilities have also been approved for the Enterprise Zone program, the total credit shown is the correct, consolidated amount, and the Company can provide documentation showing the amounts claimed under each project, as well as the total amount claimed by the Company as the taxpayer.
- 13. The Company is in full compliance with its RVA.
- 14. The Company has filed all quarterly reports as required.
- 15. If any of the above assertions is untrue in any way, I have provided an explanation in writing, attached to the Annual Report, which completely describes the Company's actual performance and the remedy which will be or which has been made, including a date by which the remedy will be or was accomplished. I have also attached copies of any amended payroll tax returns and quarterly reports necessary as part of the remedy.

Signature: _____ Date: _____

Printed Name: _____

Title: _____