**ANNUAL PERFORMANCE REPORT**

**MEMORANDUM OF UNDERSTANDING**

**DATA CENTER RETAIL SALES & USE TAX EXEMPTION**

**ENTERPRISE**

**EXHIBIT B**

**PROJECT SUMMARY**

|  |  |
| --- | --- |
| **Project** |  |
| **Locality (City or County)** |  |
| **Performance Reporting Period** | Through June 30, 20\_\_ |
| **Performance Date** | June 30, 20\_\_ |

**PROJECT PERFORMANCE: CAPITAL INVESTMENT**

|  |  |  |  |
| --- | --- | --- | --- |
| **Performance Measurement** | **Target** | **As of \_\_\_\_\_\_\_** | **% Complete** |
| **Capital Investment1** |  |  | % |
| Confidence level capital investment target will be reached by Performance Date (check one) | High | Moderate | Low |

1 Total cumulative capital investment made to the Data Center by the company for the MOU, as of the Reporting Date. Total should include any investments reported in previous Annual Reports.

|  |  |
| --- | --- |
| **Capital Investment Breakdown2** | **Amount** |
| Land/Building Acquisition |  |
| Site Improvements |  |
| Real Property/Building Improvements |  |
| Taxable Tangible Property |  |
| Exempt Equipment or Software3 |  |
| Other |  |
| **Total Capital Investment for Period** | **$** |

2 Total cumulative capital investments made in each category by the company for the MOU, as of the Reporting Date. Totals should include all investments in each category reported in previous Annual Reports. If the company did not invest in a particular category, please enter $0.

3 The Commissioner of the Virginia Department of Taxation (TAX) has approved a list of equipment and software that qualifies for the DCRSUTE Exemption. The complete list of the qualified equipment can be found on page 2 of the DCRSUT Exemption Information Packet.

|  |  |
| --- | --- |
| **Cumulative Tax Benefit Received by the Company during Reporting Period** | **$** |

**PROJECT PERFORMANCE: JOB CREATION**

|  |  |  |  |
| --- | --- | --- | --- |
| **Performance Measurement** | **Target** | **As of \_\_\_\_\_\_\_** | **% Complete** |
| **Qualifying New Jobs4** |  |  | % |
| Confidence level job creation target will be reached by Performance Date (check one) | High | Moderate | Low |
| **Average Annual Wage for Qualifying New Jobs5** |  |  |  |
| Confidence level annual wage target will be reached by Performance Date (check one) | High | Moderate | Low |
| **Standard Fringe Benefits Offered** | Yes | No |  |

4Total New Jobs, defined as full-time employment of an indefinite duration, created by the Company as of the Reporting Date, each earning at least 150% of the Locality's Prevailing Average Wage as outlined in the MOU. Qualifying New Jobs should be in addition to the applicable baseline employment of \_\_\_\_ as established in the MOU. Qualifying New Jobs may include vendor jobs providing dedicated, full-time service to the Data Center. Jobs are not required to be physically located at the Data Center. Qualifying New Jobs may be aggregated across the Data Center's facilities within a locality but not across localities.

5Utilize the provided Excel template to calculate the Average Annual Wage for Qualifying New Jobs, based on the annualized salaries for those jobs. Annual Wage calculations should be exclusive of the value of fringe benefits.

|  |  |  |  |
| --- | --- | --- | --- |
| **Additional Job Creation** | **Total Jobs** | **Actual**  **Payroll** | **Annualized**  **Payroll** |
| Other New Full-Time Jobs6 |  |  |  |
| Other New Full-Time Equivalents7 |  |  |  |

6 Total Other New Full-Time Jobs, defined as full-time employment of an indefinite duration as of the Reporting Date, earning below 150% of the Locality's Prevailing Average Wage as outlined in the MOU. Utilize the provided Excel template to calculate the Average Annual Wage for Other New Full-Time Jobs, based on the annualized salaries for those jobs. Jobs are not required to be physically located at the Data Center. Other New Jobs may be aggregated across the Data Center's facilities within a locality but not across localities. Other New Full-Time Jobs may include vendor jobs providing dedicated, full-time service to the Data Center.

7Other Full-Time Equivalents (FTEs) include the total hours worked by part-time employees of the company during the Reporting Period, divided by 2080 hours (40 hours at 52 weeks per year). Utilize the provided Excel template to calculate the Actual Payroll for Other New FTEs. Jobs are not required to be physically located at the Data Center. Other New FTEs may be aggregated across the Data Center's facilities within a locality, but not across localities.

**COMMENTS:**

Discuss project status, including progress toward targets, changes, or likely changes to the nature of the project that may impact the achievement of targets and other information relevant to project performance. If the project is not on track to meet targets or you have reported low confidence with any metrics on the first page of this report, please explain.

**TO BE CERTIFIED BY AN AUTHORIZED REPRESENTATIVE OF THE COMPANY:**

I certify that I have examined this report, and to the best of my knowledge and belief, it is true, correct, and complete.

Company:

By:

Name:

Title:

Date:

**Please return to:** John Michael Haynes, Incentives Division, 804.545.5655, [jmhaynes@vedp.org](mailto:jmhaynes@vedp.org)

**FINAL PERFORMANCE REPORT**

**MEMORANDUM OF UNDERSTANDING**

**DATA CENTER RETAIL SALES & USE TAX EXEMPTION**

**ENTERPRISE**

**EXHIBIT C**

**PROJECT SUMMARY**

|  |  |
| --- | --- |
| **Project** |  |
| **Locality (City or County)** |  |
| **Performance Reporting Period** | Through June 30, 20\_\_ |
| **Performance Date** | June 30, 20\_\_ |

*Final performance for Data Center MOUs will be reported on VEDP's public incentive reporting website. Where possible, data will be reported in ranges or in aggregate.*

**PROJECT PERFORMANCE: CAPITAL INVESTMENT**

|  |  |  |  |
| --- | --- | --- | --- |
| **Performance Measurement** | **Target** | **As of \_\_\_\_\_\_\_** | **% Complete** |
| **Capital Investment1** |  |  | % |

1 Total cumulative capital investment made to the Data Center by the company for the MOU, as of the Performance Date. Total should include any investments reported in previous Annual Reports. Data will be verified using records from the Commissioner of the Revenue and, if requested, invoices.

|  |  |
| --- | --- |
| **Capital Investment Breakdown2** | **Amount** |
| Land/Building Acquisition |  |
| Site Improvements |  |
| Real Property/Building Improvements |  |
| Taxable Tangible Property |  |
| Exempt Equipment or Software3 |  |
| Other |  |
| **Total Capital Investment for Period** | **$** |

2 Total cumulative capital investments made in each category by the company for the MOU, as of the Performance Date. Totals should include all investments in each category reported in previous Annual Reports. If the company did not invest in a particular category, please enter $0.

3 The Commissioner of the Virginia Department of Taxation (TAX) has approved a list of equipment and software that qualifies for the DCRSUTE Exemption. The complete list of the qualified equipment can be found on page 2 of the DCRSUT Exemption Information Packet.

|  |  |
| --- | --- |
| **Cumulative Tax Benefit Received by the Company during Reporting Period** | **$** |

**PROJECT PERFORMANCE: JOB CREATION**

|  |  |  |  |
| --- | --- | --- | --- |
| **Performance Measurement** | **Target** | **As of \_\_\_\_\_\_\_** | **% Complete** |
| **Qualifying New Jobs4** |  |  | % |
| **Average Annual Wage for Qualifying New Jobs5** |  |  |  |
| **Standard Fringe Benefits Offered** | Yes | No |  |

4 Total New Jobs, defined as full-time employment of an indefinite duration, created by the Group as of the Reporting Date, each earning at least 150% of the Locality's Prevailing Average Wage as outlined in the MOU. Qualifying New Jobs should be in addition to the applicable baseline employment of \_\_\_\_ as established in the MOU. Qualifying New Jobs may include vendor jobs providing dedicated, full-time service to the Data Center. Jobs are not required to be physically located at the Data Center. Qualifying New Jobs may be aggregated across the Data Center's facilities within a locality but not across localities. Attach the company's four most recent Quarterly Tax Reports (Form FC-20) filed with the Virginia Employment Commission.

5Utilize the provided Excel template to calculate the Average Annual Wage for Qualifying New Jobs, based on the annualized salaries for those jobs. Annual Wage calculations should be exclusive of the value of fringe benefits.

|  |  |  |  |
| --- | --- | --- | --- |
| **Additional Job Creation** | **Total Jobs** | **Actual**  **Payroll** | **Annualized**  **Payroll** |
| Other New Full-Time Jobs6 |  |  |  |
| Other New Full-Time Equivalents7 |  |  |  |

6 Total Other New Full-Time Jobs, defined as full-time employment of an indefinite duration as of the Reporting Date, earning below 150% of the Locality's Prevailing Average Wage as outlined in the MOU. Jobs are not required to be physically located at the Data Center. Other New Jobs may be aggregated across the Data Center's facilities within a locality but not across localities. Other New Full-Time Jobs may include vendor jobs providing dedicated, full-time service to the Data Center. Utilize the provided Excel template to calculate the Average Annual Wage for Other New Full-Time Jobs, based on the annualized salaries for those jobs. Actual payroll should be exclusive of the value of fringe benefits.

7 Other Full-Time Equivalents (FTEs) include the total hours worked by part-time employees of the company during the Reporting Period, divided by 2080 hours (40 hours at 52 weeks per year). Jobs are not required to be physically located at the Data Center. Other New FTEs may be aggregated across the Data Center's facilities within a locality, but not across localities. Utilize the provided Excel template to calculate the Actual Payroll for Other New FTEs. Actual payroll should be exclusive of the value of fringe benefits.

**TO BE CERTIFIED BY AN AUTHORIZED REPRESENTATIVE OF THE COMPANY:**

I certify that I have examined this report, and to the best of my knowledge and belief, it is true, correct, and complete.

Company:

By:

Name:

Title:

Date:

**Please return to:** John Michael Haynes, Incentives Division, 804.545.5655, [jmhaynes@vedp.org](mailto:jmhaynes@vedp.org)

**ANNUAL POST-PERFORMANCE REPORT**

**MEMORANDUM OF UNDERSTANDING**

**DATA CENTER RETAIL SALES & USE TAX EXEMPTION**

**ENTERPRISE**

**EXHIBIT D**

**PROJECT SUMMARY**

|  |  |
| --- | --- |
| **Project** |  |
| **Locality (City or County)** |  |
| **Reporting Period** | July 1, 20\_\_ through June 30, 20\_\_ |
| **Date of Letter of Satisfaction** |  |

*Per the Code of Virginia § 58.1-609.3, VEDP shall publish a biennial report on the Data Center Retail Sales and Use Tax Exemption to include aggregate information on qualifying expenses claimed under this Exemption, the total value of the tax benefit, a return-on-investment analysis that includes direct and indirect jobs created by data center investment, state and local tax revenues generated to demonstrate the costs and benefits of the Exemption. The data provided in this report will be used as part of the analysis for the biennial report and other reporting to include job creation and capital investments in ranges such that the information could not be used to identify a business or individual taxpayer.*

**CAPITAL INVESTMENT DURING 12-MONTH REPORTING PERIOD**

|  |  |
| --- | --- |
| **Capital Investment Breakdown1** | **Amount** |
| Land/Building Acquisition |  |
| Site Improvements |  |
| Real Property/Building Improvements |  |
| Taxable Tangible Property |  |
| Exempt Equipment or Software2 |  |
| Other |  |
| **Total Capital Investment** | **$** |

1 Capital investment shall include the total capital investment made by the company in each category during the 12-month Reporting Period. Capital investment figures should exclude any investments previously reported to VEDP through Annual or Final Performance Reports or previous Post-Performance Reports. If the company did not invest in a particular category, please enter $0.

2 The Commission of the Virginia Department of Taxation (TAX) has approved a list of equipment and software that qualifies for the DCRSUTE Exemption. The complete list of the qualified equipment can be found on page 2 of the DCRSUT Exemption Information Packet.

|  |  |
| --- | --- |
| **During this 12-month Reporting Period, did any member of the company undertake either of the following activities?** | New Construction3  Renovation4 |

3 New Construction includes the construction of any new data center facilities or additional facilities for an existing data center.

4 Renovations are any projects wherein the interior or exterior structure is restored, repaired, retrofit, or expanded. This may include but is not limited to any construction of additional square footage, electrical and mechanical improvements, wall/floor repairs, or relocations, etc.

|  |  |
| --- | --- |
| **Cumulative Tax Benefit Received by Company during Reporting Period** | **$** |

**EMPLOYMENT DURING 12-MONTH REPORTING PERIOD**

|  |  |
| --- | --- |
| **Performance Measurement** | **Reporting Period Total** |
| **Total Employment5** |  |
| **Total Actual Payroll6** |  |
| **Standard Fringe Benefits Offered** | Yes  No |

5Employment shall include all employees of the company for the Data Center during the 12-month Reporting Period. Part-Time Jobs may be aggregated into FTEs by taking the total hours worked by part-time employees of the company during the Reporting Period, divided by 2080 hours (40 hours at 52 weeks per year). Jobs may be aggregated across the Data Center's facilities within a locality but not across localities. Jobs are not required to be physically located at the data center but should be within the locality and associated with the operation and maintenance of the data center. Data Centers shall include vendor jobs that provide dedicated, full-time service to the data center.

6Total Actual Payroll shall reflect the aggregate payroll for all employees, full-time or part-time employees calculated as FTEs, included in the Total Employment Count. Total Actual Payroll should be exclusive of the value of fringe benefits.

**TO BE CERTIFIED BY AN AUTHORIZED REPRESENTATIVE OF THE COMPANY:**

I certify that I have examined this report, and to the best of my knowledge and belief, it is true, correct, and complete.

Company:

By:

Name:

Title:

Date:

**Please return to:** John Michael Haynes, Incentives Division, 804.545.5655, [jmhaynes@vedp.org](mailto:jmhaynes@vedp.org)