

**AFFIDAVIT OF
QUALIFYING CERTIFICATE APPLICANT**

COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS,)
) ss:
)
_____.)

I, _____, being first duly sworn, state that I am the Applicant or duly authorized representative of the Applicant, _____, who is applying for a Qualifying Certificate under the provisions of the Investment Incentive Act of 2000 (4 CMC §3301, *et seq.*), and that:

1. **Fringe Benefits:** The following fringe benefits will be given to all those employees of Applicant which are employed on the Project for which the Qualifying Certificate is sought:

_____.

2. **Transfer of Benefits:** Prior written consent of the CDA Board will be sought *prior* to any transfer of: (i) a majority of the voting stock of Applicant resulting in a change in the identity of shareholders that control the business; or (ii) a substantial part of Applicant's assets by way of lease, sale, assignment, or other transfer; either of which constitutes a transfer of the benefits of the Qualifying Certificate.

3. **Commencement of Applicant's Operations:** Applicant's Qualifying Certificate Project will be completed and its services or goods will be available in the Commonwealth of the Northern Mariana Islands within _____ (____) months from the date of execution by the Governor of Applicant's requested Qualifying Certificate.

4. ***No Conflicts of Interest:*** No (A) employee, consultant employed for review of an application, or Board member of the Commonwealth Development Authority (“CDA”); (B) corporation or any other legal entity in which any employee or counsel of CDA has any financial interest; (C) member of the Legislature within one (1) year of the date of this affidavit; (D) employee of the Executive Branch (from the level of agency head or higher) within one (1) year of the date of this affidavit; (E) employee or special consultant of the Governor’s Office within one (1) year of the date of this affidavit; (F) judge of the various courts of the Commonwealth within one (1) year of the date of this affidavit; nor (G) the immediate family of the foregoing, has any financial interest, direct or indirect, in Applicant. For purposes of this affidavit, “immediate family” means a spouse, mother, father, stepfather, stepmother, brother, sister, natural and adopted child.

5. ***Information True and Correct:*** All information contained in the Qualifying Certificate Application, in the attached exhibits, and any reports submitted to CDA are true and complete to the best knowledge and belief of the applicant(s).

6. ***Reports:*** (A) Reports Prior to Commencement of Operations. No later than fifteen (15) days after the end of each month, the Beneficiary shall submit to the Administrator the following reports:

(i) A report on the status of construction, including whether construction has been delayed, and if so, the length of delay and reason for such delay;

(ii) A report on the status of employee hiring and training, including the current number of employees;

(iii) A report on purchases outside the CNMI during the preceding month. The report shall set forth the price of goods or merchandise obtained, and a verifiable price of comparable goods or merchandise available for sale in the CNMI. If the goods or merchandise are not available in the CNMI, the Beneficiary shall provide such a statement in the report and shall include the date and vendor(s) surveyed for such goods or merchandise. When determining the price of goods or merchandise bought outside the CNMI, the Beneficiary shall include in the actual cost of the goods or merchandise all costs associated in bringing the goods or merchandise into the CNMI such as, freight and handling, insurance, excise taxes (as computed even if not paid), etc.;

(iv) A report on the status of any necessary equipment acquisition, and whether such acquisition, if delayed, will delay commencement of operation, and if so, the length of delay and reason for such delay; and

(v) A report on start-up costs and Capital Investment containing a detail of actual money invested from the date of issuance of the Qualifying Certificate to the start of operations for purposes of showing full compliance with Capital Investment requirements prior to commencement of operations.

(B) Reports After Commencement of Operations. No later than the last day of the month following the end of the quarter, the Beneficiary shall submit to the Administrator the following reports:

(i) A report on the number of employees and total gross payroll, broken down by managerial and non-managerial positions, with rates of pay, with identification of all employees not residents of the CNMI for the preceding quarter;

(ii) A report on all purchases outside of the CNMI during the preceding quarter;
and

(iii) A report on employee training programs offered during the preceding quarter.

No later than forty-five (45) days after the end of the year, the Beneficiary shall submit to the Administrator the following reports:

(iv) A report on public/community benefits provided during the preceding year;

(v) Non-audited financial statements for the preceding year; and

(vi) A report on the overall benefits to the CNMI economy during the preceding year.

No later than ninety (90) days after the end of the year, the Beneficiary must submit to the Administrator:

(vii) Audited financial statements for the preceding year.

The Beneficiary shall submit other reports as required by the Administrator.

Dated this _____ day of _____, 20 _____.

APPLICANT

By: _____

Its: _____

COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS,)
) ss:
)
_____)

Subscribed and sworn to before me, a notary public in and for the Commonwealth of the Northern Mariana Islands, this _____ day of _____, 20 _____, by _____.

WITNESS my hand and official seal.

)SEAL(