www.oklahomafilm.org
800.766.FILM

Oklahoma Film Enhancement Rebate Program

Application of Eligibility – Form B

Rev. July 8, 2009

When to apply:

Applications must be submitted at least sixty (60) calendar days but no more than 180 calendar days prior to the start of principal and ongoing photography. *Applications submitted more than 180 calendar days or less than 60 days prior to the scheduled start of principal photography will not be accepted.*

Where to apply:

The Oklahoma Film & Music Office
120 N. Robinson Avenue
Suite 600
Oklahoma City, OK 73102
(405) 230-8440
www.oklahomafilm.org

How to apply:

1. Complete, sign and submit hard copies of Form A, Form B, Form C and Form D, as provided in Section 4, along with the latest version of the shooting script and production budget.

2. You must schedule an interview to discuss your application with the Oklahoma Film & Music Office by calling (405)230-8440. The meeting must be attended by either a producer or a line producer, unit production manager or production accountant or their designee, subject to the approval of the Director of the Oklahoma Film & Music Office.

Notice of Pre-Approval/Disapproval of Eligibility Application:

If the Eligibility Application is approved, you will receive a letter of eligibility signed by the Director of the Oklahoma Film & Music Office listing the items provided on the application and any supporting documentation currently on file with the office along with the projected amount of rebate pending the production meeting all requirements under the Oklahoma Film Enhancement Rebate Program. At that point, the projected rebate amount, *and only that specific amount*, will be earmarked for your production, providing you meet all benchmarks in the application process as described in Section 3C.

Receipt of the eligibility letter *does not* guarantee receipt of rebate monies. Final eligibility and the amount of the rebate will be determined after submission and review of the final application, the results of a Third Party Audit, and all required supporting documentation.

If the Eligibility Application is not approved, the Oklahoma Film & Music Office shall provide the applicant with a notice of disapproval which shall state the reasons therefore.

As specified in Oklahoma statute, *no more than one (1) application per fiscal year per specific production (based on production title, script and budget) will be accepted.*

Required benchmarks for rebate eligibility process:

- **180 Calendar Days (and no sooner) Prior to Production** you may submit an Eligibility Application for the Oklahoma Film Enhancement Rebate Program signed by authorized production personnel along with all other required documentation.

- **60 Calendar Days (minimum) Prior to Production**, a production must show proof that fifty percent (50%) of the production budget is in place in the form of a signed and certified letter of intent from a recognized financier or by written verification of the amount of the production's balance from a recognized financial institution. Letter must include name, address, phone number and contact name and account number for financier/bank for verification purposes.

  Note: Sixty (60) days prior to production is the last point at which a production may revise their Eligibility Application to increase their projected rebate amount and have monies earmarked in advance, subject to availability of funds.

- **30 Calendar Days (minimum) Prior to Production** (via the same methods described for Fifty percent (50%) verification above), production must show proof of ability to cash flow the production on previously established date of commencement of Production. Also required at Thirty (30) days:
  - Copy of the shooting schedule and inclusion on revisions distribution list (or as soon as available prior to principal photography).
  - Latest version of production budget and signed Statement of Budget (Form D)
  - Latest version of the script and inclusion in revisions distribution list
  - Latest version of Crew List tagged as resident and non-resident hires

- Copy of the completion bond (where applicable, see Guidelines, Item 6A, D3)
- Copy of the Certificate of General Liability, carrying a minimum of One Million Dollars ($1,000,000) (USD) in coverage
- Proof of Workers Compensation Policy pursuant to Oklahoma State law
- Legal Counsel name and contact information for producers and financiers
- Additional documents as may be requested by the Oklahoma Film & Music Office

- **If a production delays the start of Production as provided in the eligibility application process,** its rebate eligibility will be pushed the same length of time between its initial start date and its newly revised start date. Any productions behind it in the eligibility cue with start dates within this window of time will move ahead, thereby having first claim to rebate funds. Should a production push the start of production a second time, it will move to the back of the eligibility cue. Should a production push its start of production a third time, its Eligibility Application becomes null and void. A subsequent re-application will be delayed until the next fiscal year.

  Note: Eligibility is non-transferable**.** Each Eligibility Application shall be filed under the title of the screenplay submitted to the Oklahoma Film & Music Office. Projects deemed eligible for the rebate under each application shall only be eligible to the extent that project is substantially based on the screenplay previously submitted and on file with the Oklahoma Film & Music Office and supporting budget submitted for said project title.

Requirements after principal photography:

No more than 90 days after the payment of all Oklahoma expenditures, the production must submit the following to OF&MO:

- Final Rebate Application (Form I)
- Final budget and signed statement of budget (Form D)
- Amount of wages and qualifying expenditures
- Final payroll report provided directly to OF&MO from production payroll company
- Final cast and crew lists
- Daily production reports for all Oklahoma filming days
- Completed Summary of Local Expenditures (Form F)
- Final accounting ledger (all supporting documentation and receipts must be kept by the production company of record for a period of three (3) years)
- The production company has filed or will file any Oklahoma tax return or tax document which may be required by law
- Final production shooting schedule
- Results of Third Party Audit conducted by an accounting firm that has been mutually agreed upon in advance. Third Party Audit will be at the expense of the production. This is deemed a qualifying expenditure if certified Oklahoma accounting firm is used
- Certification of Information, signed by producers and notarized before submission, stating among other things, that all information provided to the Oklahoma Film & Music Office for the purposes of qualifying for the Oklahoma Film Enhancement Rebate program are true and correct and that there are no

unpaid salaries, invoices, reimbursements for damages or liens against the production entity in the State of Oklahoma. No rebate money will be released until this notarized documentation is on file with the Oklahoma Film & Music Office**.** (Form G)

- End Credit Requirement as described in Rebate Guidelines

Failure to provide the final information according to the timeframe provided above may result in a loss of the credit. Within 30 days of all requirements being met, the Oklahoma Film & Music Office will issue a letter to Oklahoma Tax Commission, requesting rebate payment, copying production company contact.

Required Forms:

Form A -. Project Information Form
Form B - Application of Eligibility
Form C - Oklahoma Filming Permit
Form D - Statement of Budget
Form E - Expatriate Program Registration (if planning to utilize)
Form F - Summary of Local Expenditures
Form G – Certification of Information
Form H - Confirmation of End Credit Inclusion
Form I - Final Rebate Application (within 90 days of payment of all Oklahoma expenditures)

OKLAHOMA FILM & MUSIC OFFICE

Form B - Application of Eligibility
Oklahoma Film Enhancement Rebate Program

☐ **I certify that I understand the Point-of-Purchase Sales Tax Exemption cannot be used in conjunction with the Oklahoma Film Enhancement Rebate Program. Further, I certify that the project for which this Eligibility Application is being submitted has not already applied for the Oklahoma Point-of-Purchase Sales Tax Exemption.**

If the production for which this Eligibility Application has applied for the Oklahoma Point-of-Purchase Sales Tax Exemption (POP Exemption) prior to applying for this program, notify the Director of the Oklahoma Film & Music Office immediately so the application can be revoked, and any POP Exemption can be withdrawn. Any taxes that had previously been exempted under the POP Exemption must be reimbursed before any rebate application can be approved. Failure to notify the Director of the Oklahoma Film & Music Office of a POP Exemption or Application for Exemption will result in this application being denied.

The Oklahoma Film Enhancement Rebate Program provides for a rebate in the amount of up to thirty five (35%) of documented expenditures made in Oklahoma directly attributable to the production of a film, television production, or television commercial

The amount of rebate paid to the production company shall be increased by an additional two percent (2%) of documented expenditures if a production company spends at least Twenty Thousand Dollars ($20,000.00) for the use of music created by an Oklahoma resident that is recorded in Oklahoma or for the cost of recording songs or music in Oklahoma for use in the production.

☐ **I certify that I understand the requirements of the additional 2% rebate.**

Production Company Information		
Name of Production Company (Applicant)		2. **Federal Tax Identification Number**
Address (Street/P.O. Box)	**City, State, Zip Code**	
Phone Number 1. O F C	**Phone Number 2.** O F C	**E-mail Address**
Applicant Type ☐ Individual ☐ Partnership ☐ Corporation ☐ Other **FEI**		

Name of Owner (Last, First, Middle Initial)	**Phone Number 1.** O F C	**Phone Number 2.** O F C
Address of Owner (Street/P.O. Box, City, State, Zip Code)		**E-mail Address**
Name of Owner (Last, First, Middle Initial)	**Phone Number 1.** O F C	**Phone Number 2.** O F C
Address of Owner (Street/P.O. Box, City, State, Zip Code)		**E-mail Address**

Production Information

Production Type:

- ☐ Feature Film
- ☐ Television Film
- ☐ Short Film
- ☐ Documentary Feature
- ☐ National Commercial
- ☐ Documentary Short
- ☐ Television Pilot
- ☐ Television Mini Series
- ☐ Industrial/ Training Video
- ☐ Television Series
- ☐ Music Video

Official Contact Information		
Producer	**Phone Number 1.** O F C	**Phone Number 2.** O F C
Title		**Phone Number 3.** O F C
Address (Street/P.O. Box, City, State, Zip Code)		**E-mail Address**

Reimbursement Contact		
Name		
Phone Number 1. O F C	**Phone Number 2. O F C**	**E-mail Address**

Production Supervisor		
Name		
Phone Number 1. O F C	**Phone Number 2. O F C**	**E-mail Address**

Unit Production Manager		
Name		
Phone Number 1. O F C	Phone Number 2. O F C	E-mail Address

Production Accountant		
Name		
Phone Number 1. O F C	Phone Number 2. O F C	E-mail Address

Post Production Supervisor		
Name		
Phone Number 1. O F C	Phone Number 2. O F C	E-mail Address

Legal Counsel for Producer		
Name		
Phone Number 1. O F C	Phone Number 2. O F C	E-mail Address

Legal Counsel for Financiers		
Name		
Phone Number 1. O F C	Phone Number 2. O F C	E-mail Address

Estimated Below the Line Positions Filled by Oklahomans

Project item	Cost	Project Item	Cost
Above the Line		Catering/Craft Service	
Below the Line		Living Expenses	
Lodging Expenses		Production Design (set construction, props, set dressing, rentals/purchases)	
Location Fees		Studio/Stage rental/expenses	
Post Production		Travel/per diem expenses	
Equipment Rental/ Purchase		Transportation	
Office Rentals/Purchases		Oklahoma Music	
Contracted Services (Casting, Security, etc.)			
Other Project item	**Cost**	**Other Project Item**	**Cost**
		14. Total estimated Oklahoma production expenditures	
		15. Total estimated project budget	
		16. Incentive percentage applying for - 35% or 37%	
		17. Incentive amount anticipated	

First Day of Principal Photography	
Last Day of Principal Photography	
Total Number of Shoot Days	
Total Number of Shoot Days in Oklahoma	

Certifying Signature

I hereby affirm that I am authorized to sign on behalf of the applicant production company described above, and further affirm that any items for which the applicant is seeking a rebate are intended for us exclusively as an integral part of the preproduction, production or post production filming activities engaged in the State of Oklahoma.

_____

Authorized Representative's Printed Name **Title**

_____

Authorized Representative's Signature **Date**

THE APPLICATION AND REIMBURSEMENT PACKAGE IS NOT COMPLETE UNTIL IT HAS BEEN SIGNED AND SUBMITTED TO THE OFFICE OF THE OKLAHOMA FILM & MUSIC OFFICE WITH THE SUPPORTING DOCUMENTATION.

Oklahoma Film & Music Office
Jill Simpson, Director
120 N. Robinson, Suite 600
Oklahoma City, OK 73102
800/ 766-3456 Toll Free
405/ 230-8440 In-state