



## Terms and Conditions for Participation in the Food and Beverage Establishment Grant

The Food and Beverage Establishment Grant is designed to provide relief to Ohio businesses that have been negatively impacted by the effects of COVID-19. The Governor of the State of Ohio, Mike DeWine, and the Ohio Legislature have designated up to one hundred million dollars (\$100,000,000) of funding to provide grants of up to \$30,000 to Ohio bars and restaurants to assist in ensuring the survival and stability of this crucial industry. The DeWine-Husted Administration and the Ohio Legislature have determined that these grants are necessary to respond to the public health emergency by providing economic support to some of the businesses harmed by the effects of COVID-19. The Food and Beverage Establishment Grant will be administered by the Ohio Development Services Agency (“Development”).

### SECTION I: ELIGIBILITY REQUIREMENTS

#### Part 1: Eligible Businesses

A business as defined in these Terms and Conditions that meets all of the following criteria may be eligible to receive funding from the Food and Beverage Establishment Grant:

- The applicant business is a for-profit entity (corporation, LLC, partnership, joint venture, sole proprietor) or non-profit.
- The applicant business is classified under NAICS Codes starting with 722, and is one of the following:
  - Food Service Contractors
  - Caterers
  - Mobile Food Services
  - Drinking Places (bars, taverns, nightclubs, etc.)
  - Full-Service Restaurants
  - Limited-Service Restaurants
  - Fraternal Organizations
  - Coffee Shops
  - Cafeterias

- Buffets
- Snack and Nonalcoholic Beverage Bars
- Businesses that do not otherwise qualify for the Entertainment Venues Grant due to earning more than 50% of their revenue from the sale of food and/or beverages.
- The applicant business experienced at least a 10% reduction in sales/revenue in 2020 at one or more Ohio locations as a result of COVID-19, and a grant is necessary to help it recover from the impact of COVID-19. For more information on calculating sales/revenue reduction, please see “Part 3: Revenue Reduction” below.
- The applicant business has at least one physical location in Ohio. For more information on the application process for businesses that have more than one Ohio location under the same FEIN, please see “Section III: Application Process” below.
- The applicant business has a valid and unexpired Ohio vendor’s license, food service operations license and/or liquor permit.
- The applicant business has been in continuous operation since at least December 1, 2019, except for interruptions required by COVID-19 public health orders, and has the ability to continue operations as a going concern, taking into account a potential program grant.
- The applicant business is in good standing with the Ohio Secretary of State, the Ohio Department of Taxation, and any other governmental entity charged with regulating the business.
- The business agrees to register as a supplier with the Ohio Office of Budget and Management as required to receive an award under the program. For information on how to register as a supplier, please see “Section III: Application Process” below.

## Part 2: Ineligible Businesses

A business as defined in these Terms and Conditions that falls within one or more of the following categories is ineligible to receive funding from the Food and Beverage Establishment Grant:

- The applicant business is operated by a governmental agency or entity;
- The applicant business operates as a sexually oriented business as that term is defined in Section 2907.40 of the Ohio Revised Code;

- The applicant business engages in conduct regulated by the state casino control commission or racing commission;
- A majority legal interest in the applicant business is owned by individuals who are under the age of eighteen.

### Part 3: Sales/Revenue Reduction

As indicated above, applicant businesses must provide evidence to show a revenue reduction of at least 10% at one or more Ohio business locations to be eligible for the Food and Beverage Establishment Grant program. The extent of the revenue reduction may determine the amount of the grant awarded. For more information on the grant award amount, please see “Section IV: Award Process” below.

An applicant’s reduction in sales/revenue at each eligible Ohio location will be calculated by Development after collecting information from the business to determine the total amount of gross sales/receipts (before taking into account any business costs incurred) for calendar year 2019 and the total amount of gross sales/receipts for calendar year 2020. Development will then determine the average monthly revenue amount for calendar year 2019 which will be compared to the average monthly revenue amount for calendar year 2020. The resulting revenue reduction percentage will be rounded to the nearest whole number. For businesses that began incurring sales/revenue after January 1, 2019 but before December 1, 2019, the average monthly gross sales/receipts for calendar year 2019 will be prorated based on the number of months the applicant business was in operation in 2019.

#### Examples:

- An applicant business was in operation for all of 2019 and reported a total of \$120,000 in gross sales/receipts. For calendar year 2020, the applicant business reported a total of \$60,000 in gross sales/receipts. The average monthly revenue for 2019 would be calculated as \$10,000 ( $\$120,000/12$ ), and the average monthly revenue for 2020 would be calculated as \$5,000 ( $\$60,000/12$ ), resulting in a revenue reduction of 50%.
- An applicant business began incurring sales/revenue on or about October 1, 2019 and reported a total of \$30,000 in gross/sales receipts in 2019. For calendar year 2020, the applicant business reported a total of \$90,000 in gross sales/receipts. The average monthly revenue for 2019 would

be calculated as \$10,000 ( $\$30,000/3$ ), and the average monthly revenue for 2020 would be calculated as \$7,500 ( $\$90,000/12$ ), resulting in a revenue reduction of 25%.

## SECTION II: USES OF FUNDS

### Part 1: Eligible Costs

Food and Beverage Establishment Grant funds can be used to reimburse eligible businesses for the following expenses previously incurred or to be incurred relating to their Ohio business location(s) as long as the costs do not violate State or Federal law and are not otherwise specified as “ineligible costs”:

- Personal protective equipment to protect employees, customers, or clients from COVID-19.
- Measures taken to protect employees, customers, or clients from COVID-19.
- Mortgage or rent payments for business premises (personal residences explicitly excluded).
- Utility payments (excludes utilities for personal residences and cellular phones not used primarily for business purposes).
- Salaries, wages, or compensation paid to contractors or employees, including an employer’s share of health insurance costs.
- Business supplies or equipment.

### Part 2: Ineligible Costs

Food and Beverage Establishment Grant funds may not be used for the following expenses:

- Costs incurred for federal, state, or local tax obligations.
- Costs incurred for non-business purposes.
- Costs incurred for political purposes.
- Bonuses or increased compensation for business owners.
- Costs incurred for which the business has or will receive reimbursement from another source, including any other federal, state or local government loan or grant program and insurance proceeds.

## SECTION III: APPLICATION PROCESS

Beginning on June 29, 2021, businesses can submit an application for the Food and Beverage Establishment Grant at [businesshelp.Ohio.gov](https://businesshelp.ohio.gov). In order to access the application, individuals will be required to login using an existing OH|ID or create a new OH|ID, which provides users with secure access to State of Ohio services and programs. For more information on creating an OH|ID, please visit [Ohid.Ohio.gov](https://Ohid.Ohio.gov).

Applicant businesses will only be able to submit one application per FEIN, so if multiple locations are covered by the same FEIN, each unique location will need to be included on the same application. If the applicant business has multiple locations covered by different FEINs, a separate application will need to be submitted for each FEIN and location.

NOTE: Applicant businesses that have multiple Ohio locations under the same FEIN will be eligible to receive a grant for each Ohio location that **individually** meets the eligibility criteria and sales/revenue reduction requirement described above. The applicant business will be required to provide the unique address for each Ohio location covered by the same FEIN and will also be required to prove that each unique location is eligible for a grant under these Terms and Conditions. Applicant businesses will be required to provide separate attachments as identified below for each Ohio location.

Businesses will be required to provide the following information to submit an application:

- Applicant Business Name
- Applicant Business Federal Employment Identification Number (FEIN) or the Social Security Number (SSN) associated with the business
- Applicant Business Address/County (must be an Ohio location)
  - If the Applicant Business is required to include multiple Ohio locations on one application, the application will require the applicant business to identify each unique location
- Applicant Business NAICS Code
- Applicant Business Ownership Demographic Information
- Applicant Business Type (corporation, LLC, partnership, joint venture, sole proprietor, nonprofit)
- Calendar year applicant business was established

- Amount of funding received by the applicant business from other federal, state or local pandemic-related financial relief programs
- Applicant Business Representative Name
- Applicant Business Representative Phone
- Applicant Business Representative Email (will be used for all communication with the applicant)
- Number of months that the business incurred sales/revenue in calendar year 2019
- 2019 Total Gross Sales/Receipts
- 2020 Total Gross Sales/Receipts
- Documentation to verify the reported 2019 and 2020 gross sales/receipts for each eligible Ohio location identified in the application.
  - Applicants will be required to attach documentation verifying the 2019 and 2020 gross sales/receipts reported in the application for each eligible Ohio location. The attachment must clearly identify the applicant business name and must match the name submitted in the application. Only the following documentation will be accepted to evidence gross sales/receipts:
    - Business annual tax returns;
    - Audited/reviewed/compiled annual financial statements;
    - Internal accounting records of the business showing total annual gross receipts/sales.
- Verification that the applicant business is still operating, evidenced by providing proof that the applicant business has incurred business costs during the 60-day period prior to the application being filed for each eligible Ohio location identified in the application.
  - Applicants will be required to attach documentation verifying that business costs were incurred by the applicant business during the 60-day period prior to the application being filed for each eligible Ohio location. The attachment must clearly identify the applicant business name and must match the name submitted in the application. No more than one document can be attached, and ONLY the following documentation will be accepted to prove business costs incurred:
    - Payroll records for any period in the last 60 days prior to the application for each eligible Ohio location;

- Utility bills charged to the business named in the application for any period in the last 60 days prior to the application for each eligible Ohio location;
  - Rent or mortgage payments for business premises (only payments for non-residential properties will be accepted) charged to the business named in the application for any period in the last 60 days prior to the application for each eligible Ohio location;
  - Supplies or equipment purchased by, leased, financed or charged to the business named in the application in the last 60 days prior to the application for each eligible Ohio location.
- A copy of the applicant business' vendor's license, food service operation license or liquor permit for each eligible Ohio location identified in the application. The license or permit must clearly identify the business name and/or address and must match the name and/or address submitted in the application.
  - Certification that the applicant agrees to be subject to these Term and Conditions of the Food and Beverage Establishment Grant.

Upon submission of a complete application, the applicant will receive an email from Development confirming that the application has been received. Submission of a complete application does not ensure the applicant will be awarded a Food and Beverage Establishment Grant. If funding remains available at the time the application is filed, Development staff will review the application to determine eligibility for a Food and Beverage Establishment Grant.

If Development determines that an application is ineligible or the documentation attached does not meet the requirements outlined in these Terms and Conditions, the business will be notified via email that the application has not been accepted for funding. Applicants will be given the opportunity to resubmit their application by logging back into the system and correcting any identified errors. Upon resubmission of a complete application, the applicant will receive an email from Development confirming that the application has been received. If funding remains available at the time the application is originally filed or resubmitted, Development staff will review the application to determine eligibility for a Food and Beverage Establishment Grant.



If Food and Beverage Establishment Grant Funding has been exhausted at the time an application is originally filed or resubmitted and determined to be eligible, the applicant will be notified that the application has been denied for lack of funding.

If Development determines that an originally filed or resubmitted application is eligible for a Food and Beverage Establishment Grant award, the applicant business will be notified via email. Upon receipt of the notification, the applicant business must log back into the application using the same OH|ID that was used to create the application at [businesshelp.ohio.gov](https://businesshelp.ohio.gov) to complete an Acknowledgement of Eligibility and Acceptance of Funds and provide the required Ohio Supplier ID. Additionally, the applicant business will be required to verify information provided in the application to ensure timely issuance of funds. Upon completion of these steps, Development will finalize processing of the award and the applicant will receive grant funds via the payment method identified when establishing an Ohio Supplier ID.

If the applicant business does not currently have an Ohio Supplier ID, the business will be required to register for an Ohio Supplier ID at [Supplier.ohio.gov](https://Supplier.ohio.gov). Businesses will only be able to receive an award once a valid Ohio Supplier ID matching the FEIN/SSN provided in the application has been obtained and is verified by Development.

Applicant businesses that need assistance obtaining an Ohio Supplier ID or need to make changes to an existing Ohio Supplier ID should visit: [Supplier.ohio.gov/wps/portal/sp/suppliers/help-center](https://Supplier.ohio.gov/wps/portal/sp/suppliers/help-center).

## SECTION IV: AWARD PROCESS

### Part 1: Amount of Award

Each Ohio business location that meets the criteria as defined in these Terms and Conditions and submits a complete application will be eligible for a grant if funds are still available. The grant amount will be the **lesser** of:

- The actual amount of revenue reduction when comparing the 2019 Total Gross Sales/Receipts to the 2020 Total Gross Sales/Receipts, OR
- The amount identified below based on the calculated revenue reduction percentage:
  - 10-30% loss: \$10,000 grant
  - 31-50% loss: \$20,000 grant
  - 51%+ loss: \$30,000 grant

Example:

- An applicant business reported a total of \$50,000 in gross sales/receipts in calendar year 2019. For calendar year 2020, the applicant business reported a total of \$24,000 in gross sales/receipts. The average monthly revenue for 2019 would be calculated as \$4,166 ( $\$50,000/12$ ), and the average monthly revenue for 2020 would be calculated as \$2,000 ( $\$24,000/12$ ). The applicant business recognized a revenue reduction of 52%, which would otherwise result in an award amount of \$30,000. However, since the actual amount of revenue reduction was only \$25,000, the award amount would be capped at \$25,000.

### Part 2: Distribution of Award Funds

Grants shall be awarded on a first come, first served basis in accordance with the following guidelines:

- \$500,000 will be allocated to eligible businesses in each of Ohio's 88 counties on a first come, first served basis. The remainder of funding available will be awarded on a first come, first served basis regardless of the business' location in Ohio.

- If Development does not receive eligible applications sufficient to award the full \$500,000 to businesses in each County by July 31, 2021, the remaining funds allocated to that County will be awarded on a first come, first served basis regardless of the business' location in Ohio.

If an applicant is required to resubmit an application, it will be reviewed in the order in which it was received and will not take the place of the originally filed application.

## SECTION V: MAINTENANCE OF RECORDS

Businesses who receive funds from the Food and Beverage Establishment Grant shall keep records of all specific expenses for which the funds were used for a period of five (5) years from the final expenditure of received funds. These records shall include but not be limited to paid invoices, cancelled checks, payroll records and other documentation acquired when the permissible expense occurred.

Upon request, the business shall provide access to these records to the State of Ohio, its agencies, agents, directors, and/or any party who has contracted with the State for the exclusive purposes of evaluating or ensuring compliance Food and Beverage Establishment Grant requirements.

At their own expense, the business shall prepare photocopies of all of requested records to the State or any of the aforementioned parties upon written request of the State within a reasonable time of the request.

Failure to abide by the requirement may result in a demand for the business to repay Food and Beverage Establishment Grant funds to the State of Ohio within thirty days of a written request for repayment.

## SECTION VI: CERTIFICATIONS AND PUBLIC RECORD

### Part 1: Certifications of Applicant

By providing the signature of a duly authorized representative on an application, an applicant is certifying to Development and the State of Ohio that each of the certifications on Page 3 of the application is true as of the date of signature and that each of the documents submitted is a real and true copy of records of the applicant business. By providing a signature on an application, the applicant also acknowledges that any person who knowingly makes a false statement to obtain an award of financial assistance may be required under Section 9.66(C) of the Revised Code to repay such financial assistance and shall be ineligible for any future economic development assistance from the State of Ohio, any state agency, or political subdivisions. Also, any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to Section 2921.13(F)(1) of the Revised Code.

### Part 2: Public Records

Information, documents, or other materials submitted to Development as part of an application are public records unless a statutory exception exists under Section 149.43 of the Revised Code or other relevant law that exempts the information, document, or other material from public release.