

MARKET NEW YORK ROUND 14 GUIDELINES

Market New York Round 14 Guidelines

Funding Available: up to \$15 million

Description

Market New York is a grant program established to strengthen tourism and attract visitors to New York State by promoting destinations, attractions, and special events. Funding is available for tourism marketing initiatives, capital/construction projects and the recruitment and/or execution of special events, including meetings, conferences, conventions, festivals, agritourism/craft beverage events, athletic competitions and consumer and industry trade shows. The *Market New York* program and each funded proposal will work to support the long-term strategic plans for economic growth as put forth by the Regional Economic Development Councils (REDCs). For the 2024-2025 Fiscal Year, up to \$15 million is to be available through *Market New York*.

Funding is available for eligible projects that will create an economic impact by increasing tourism throughout the state, with awards based on the selection criteria below. Grant funding will be allocated among the ten (10) REDC regions, based on each REDC's five-year strategic plan that sets out a comprehensive vision for economic development and specific strategies to implement that vision. REDC strategic plan information can be found at:

<http://regionalcouncils.ny.gov/>.

There are two categories of funding available under *Market New York*, each with varying requirements. Up to \$15 million is to be available for the following project categories:

1) Regional Tourism Marketing (Working Capital) – up to \$7 million

Only minimum grant requests of \$50,000 or more will be considered, not including grantee match; and

2) Tourism Capital (Construction/Renovation/Capital Costs)- up to \$8 million

Only minimum grant requests of \$150,000 or more will be considered, not including grantee match.

To ensure that tourism capital projects are substantially underway before initiating tourism marketing projects, applicants can only apply for capital and working capital/marketing in separate rounds of CFA funding but may not apply for both marketing and capital expenditures within the same CFA round.

Applicants applying for both ESD (capital) grant funds and *Market New York* capital grant funds must demonstrate an 80% match for both programs. Applicants that do not demonstrate a separate 80% match for each application may be deemed ineligible for *Market New York*. While similar sources for the match are allowed, the amounts utilized to demonstrate the grant must be non-duplicative. Furthermore, if an applicant is awarded an ESD capital grant, they may at the discretion of ESD be deemed ineligible for an additional *Market New York* capital award.

ESD reserves the rights to grant awards lower than the \$50,000 and/or \$150,000 minimum requested amounts based upon availability of funds.

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ELIGIBILITY REQUIREMENTS

Entities that may apply for funding include not-for-profit corporations, municipalities, tourism promotional agencies (TPAs), public benefit corporations and for-profit companies. **Individuals, SUNY schools and NYS agencies are not eligible to apply for this grant.** Additionally, projects that are funded by SUNY schools and/or projects that include any element of religious proselytizing are not eligible under the program.

Businesses that apply for funding must be certified to do business in New York State. Businesses that operate in a state other than New York State are required to submit, as part of the application, a Certificate of Authority provided by New York State Department of State.

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by and the REDC.

New! All applicants are REQUIRED to include a project plan. Applications that do not include a project plan will be deemed ineligible. Please see the FUNDING CATEGORY section for more information.

Projects must clearly demonstrate in the CFA and / or project plan that the project is tourism related. Projects that fail to establish a direct tourism impact and/or fail to include a project plan will be deemed ineligible and will not be scored.

Projects that take place in multiple regions or across the state will be scored by the REDC where the project is headquartered or by the REDC sponsoring the project.

In July 2023, Governor Hochul signed Executive Order 30 creating the Pro-Housing Community Program – an innovative policy designed to reward local governments that are working hard to address New York’s housing crisis. NYS municipalities applying for a *Market New York* capital grant will be required to be certified as a Pro-Housing Community prior to receiving an award and must apply for certification prior to the program deadline. For more information about the Pro-Housing Community program and certification process please visit: www.hcr.ny.gov/phc .

In order to ensure the success of your project, we highly recommend you have access to the following technology: communication (email & working phone number), scanner, internet access and printer.

An application that applies for a working capital grant while also including capital expenses will be deemed ineligible. Similarly, an application for a capital grant that includes marketing expenses will also be deemed ineligible.

Note to Not-For-Profit Organizations:

Please note that not-for-profit corporations are subject to New York State’s Not-For-Profit Corporation Law and must have proof of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents; a charities registration number from the NYS

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Office of the Attorney General; and proof of tax-exempt status under the IRS code. The distribution of government funds is subject to constitutional limitations under the First Amendment's Establishment and Free Exercise clauses. Applications that implicate these clauses may require additional information from the applicants and will be subject to legal review and approval by the agency before award. Applicants are encouraged, but not required, to anticipate and address factual and legal issues relevant to these clauses in their application.

Not-for-profit organizations who are successful in receiving grants must meet the following requirements prior to ESD Directors' approval and execution of a Grant Disbursement Agreement:

- 1) be prequalified in New York State's Statewide Financial Systems Grants Gateway, (further information may be found here (<https://www.sfs.ny.gov/>));
- 2) be registered and up to date with filings with the New York State Office of the Attorney General's Charities Bureau (further information may be found here (<https://ag.ny.gov/resources/organizations/charities-nonprofits-fundraisers/charities-registration>)); and
- 3) be registered and up-to-date with the New York State Office of the State Comptroller's VendRep System (further information may be found here (<https://www.osc.ny.gov/state-vendors/vendrep/vendrep-system>)).

It is strongly advised that all Not-For-Profit organizations register with the Statewide Financial Systems Grants Gateway before or upon submitting a CFA application.

ESD's Non-Discrimination & Contractor and Supplier Diversity Policies

In accordance with the requirements of Article 15-A of the New York State Executive Law: Participation by [certified] Minority Group Members and Women with Respect to State Contracts, projects awarded funding shall be reviewed by ESD's Office of Contractor and Supplier Diversity, which may set business and participation goals for minorities and women. Established goals for awarded projects will be designated in the Incentive Proposal. Please note that ESD's agency wide MWBE (Minority and Women Owned Business Enterprise) utilization goal is 30 percent (30%). Each project will be assigned an individual contract-specific goal, which may be **higher or lower than 30 percent (30%)**. Should an applicant receive a funding award, the applicant shall be required to use good faith efforts to achieve the prescribed MWBE goals assigned to this project.

Awarded grantees must maintain their own records and take the necessary actions to demonstrate such compliance, which includes, but is not limited to updating compliance and utilization records in the New York State Contract System. Failure to comply with MWBE requirements may result in award reductions or termination of the grant.

In 2014, the Service-Disabled Veteran-Owned Business Act was signed into law. The new law created the Division of Service-Disabled Veterans' Business Development in Office of General

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Services to certify, promote and encourage economic development among disabled veterans throughout the state. Project Applicants are urged to work with Service-Disabled Veteran-Owned Businesses (SDVOBs) and a directory can be found at <https://ogs.ny.gov/Veterans>.

SIGNIFICANT TOURISM INITIATIVES BY NEW YORK STATE

Market New York will have its greatest impact when funded projects are in alignment with the tourism work being done by New York State, especially the I LOVE NY tourism promotion work being done by Empire State Development and the Division of Tourism. I LOVE NY concentrates on the sectors and markets representing the most promising opportunity to maintain and grow visitation and visitor spending throughout the state, utilizing strategies including television, digital, out-of-home, and other advertising, experiential marketing at live events, international sales and marketing, public relations efforts, social media engagement and other initiatives.

Market New York projects that focus on the following areas are most likely to be in alignment with the state's significant tourism initiatives:

1. **Inspiring consumers to choose New York State for their next getaway:** Projects that market/promote/showcase, on at least a regional basis, New York State's: unique, world-class destinations; large-scale special events, especially those new to the state; arts & cultural projects; and niche tourism segments including but not limited to accessible travel, LGBTQ tourism, Black tourism and heritage tourism including projects that involve historic sites, museums and /or the commemoration of America's 250th anniversary.
2. **Engaging the travel trade:** Projects that pursue Meetings, Incentives, Conferences, and Exhibitions tourism, amateur sporting events and group tour business through sales and marketing efforts that encourage travel professionals to choose New York State for their clients and customers.
3. **Promoting international tourism:** Projects that keep New York State top of mind for travel by international consumers, especially from the state's key feeder markets: Canada, UK, Germany, and Australia. Efforts may include B2B work to have international tour operators and travel agents add and promote New York destinations in their offerings and/ or marketing that reached out to consumers more directly.
4. **Promote outdoor recreation destinations and activities:** Projects that: maximize the trend of increased outdoor tourism and convert first-time users of New York's outdoor recreational assets to regular guests; create broader awareness of lesser known and visited outdoor destinations to help redirect visitors from more crowded assets; and / or improve the visitor experience with increased programming and staff support while ensuring the long-term preservation of natural assets for continued, sustainable visitation.

*Projects developed collaboratively between businesses and/or tourism promotion agencies (TPA) will be looked upon favorably.

FUNDING CATEGORY INFORMATION

I. Regional Tourism Marketing (Working Capital)

Up to \$7 million

Only minimum requests of \$50,000 or more will be considered, not including the grantee match. Any grant requests under \$50,000 will be found ineligible and will not be scored.

Applications will be accepted for working capital/marketing projects that promote New York State regional tourism destinations or attractions. Applicants must demonstrate how the tourism marketing project will promote and forward the tourism goals of the corresponding REDC's strategic plan, in addition to increased visitation or increase spending per visitor.

Successful tourism marketing projects will also complement and align with the goals and strategies of I LOVE NY and the New York State Division of Tourism, namely, to make New York State the destination of choice for travelers looking to create meaningful memories and those elements highlighted above in ***Significant Tourism Initiatives section***. Measurement criteria include increases in room nights, visitor frequency, visitor spending and length of stay.

While collaboration between regions, organizations and/or business is encouraged, multi-partner projects (e.g., co-ops) will need to demonstrate how the awarded organization will administer the project internally and/or with a third-party administrator. Department staff are only authorized to work with the awarded organization and cannot manage co-op partners, third party vendors, consultants or contractors or any project elements. As such, we strongly recommend that the grantee designate one point of contact for the life of the project, if awarded. The designated individual will be required to have regular communications with *Market New York* and ESD staff

Required Match

50% of Total Project Cost

ESD generally seeks to provide no more than 50% of the financing for Regional Tourism Marketing projects. An actual cash match of at least 50% of the total project cost is required. **In-kind matches and/or staff time are not eligible for the match requirement.** Additionally, funds from any state agency (including I LOVE NY Tourism Matching Funds, Meet in New York, EDA Subaward and the ESD Fund) are ineligible to be used for the match.

Match Example: The minimum request of \$50,000 (50%) would require a match of \$50,000 (50%) or more, for a total project cost of \$100,000 or more.

Another example: If your total project cost is \$200,000 you can apply for 50%, which would be \$100,000 grant request, and a required match of \$100,000 (50%) would need to be demonstrated.

If your requested match is higher than 50% in your application and if at some point during your project your organization can no longer commit to those funds, the Department will be required to prorate your award based on the amount of the match in your application. For example: Application total project cost is \$250,000 (100%) your organization committed \$150,000 (60%) match and requested \$100,000 (40%) from *Market New York*. If your organization's match

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amount were to drop to \$100,000, your award would be reduced to approximately \$66,667 to keep your required match at 60% of the total project cost.

All expenditures, including the matched expenses, are required to be *demonstrated* that they were expended from the awarded grantee's account(s). If working with a partner, the partner will need to transfer any cash match into the grantee's account(s).

Project Plan

NEW! All applicants are REQUIRED to include a project plan. Applications that do not include a project plan will be deemed ineligible.

A project plan should outline the specifics of the project (within 15 pages or less; project plans over 15 pages may not be reviewed), the budget and specifically how the grant funds and the grantee equity (match) will be used, as well as any other information that the applicant would like to share with the scoring teams. It is also strongly advised that applicants provide information that clearly and specifically addresses the scoring criteria listed later in these guidelines. The budget in the project plan should reflect the same total project costs indicated in the budget section of the CFA application.

Eligible Expenses

Eligible costs that may be covered by a grant include direct costs incurred (by the awarded grantee only) for the development and delivery of a regionally based tourism marketing project and must not include organizational costs that would have otherwise been incurred by the grantee (e.g., finance, office-related and/ or operational costs).

In general, eligible tourism marketing costs include, but are not limited to, the following:

- purchase of recognized media advertising;
- production costs of print collateral and/or audio/visual;
- licensing/talent fees to ensure ownership of finished product;
- website design/updates;
- reasonable, industry-standard costs for: social media and influencer campaigns; and participation in co-op advertising created by other organization(s), both subject to the review and approval of ESD.
- reasonable, industry-standard fees paid to artists, musicians, performers, special guests & speakers subject to the review and approval of ESD;
- rental of event amenities (e.g., chairs, tents, tables, staging, lighting, fencing, etc.);
- consultation/vendor/contractor event(s) services, with fees paid to consultants for administrative services subjected to limitation at the discretion of the department);
- site expenses & services (e.g., convention center fees, security, shuttle buses, etc.);
- supplies and materials as approved by ESD;
- administrative costs up to a maximum of 10% of the total project cost as approved by ESD. Administrative costs are defined as staff costs to complete the required project/grant program documents, communication and reporting elements, not

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including general overhead costs of everyday business that are unrelated to the administration of the grant.) Administrative costs must be demonstrated at the time that reimbursement is requested through payroll journals, cashed payroll checks and / or other sources deemed appropriate by ESD. While administrative costs may be reimbursable, they are often more effectively applied instead toward the grantee's required match; and

- other costs deemed reasonable by ESD.

Ineligible Expenses

Ineligible expenses include, but are not limited to, the following:

- food and/or beverages for consumption, including alcoholic beverages. These costs can be used towards the grantee match ONLY;
- loan, finance, interest and/or tax fees;
- any fees paid to NYS
- mini-grants or reallocation of funds to other organizations, outside of approved subcontractors for the project;
- legal fees, insurance/liability insurances and/or membership fees;
- sponsorship fees;
- products being sold;
- in-kind, donated, volunteer services;
- any costs incurred for events held outside New York State;
- wayfinding signage (signage produced to be placed on city, county, state roads);
- permanent wayfinding signage (signage produced to be placed on city, county, state roads);
- fireworks, competition prizes, prize money and monies paid to participants. These costs can be used towards the grantee match ONLY;
- salaries, wages and/or staff time (outside of the 10% administrative cost), including any in-house creative marketing costs;
- fringe benefits (such as health insurance, retirement benefits and other non - mandated benefits);
- rent or other operational/overhead expenditures related to everyday business, not including certain rental costs related to putting on special events, such as performance or competition space;
- workforce development training for staff or consultants;
- expenses reimbursed from any other source or agency;
- capital expenditures, funds spent to acquire/upgrade physical, non-consumable fixed assets (e.g., equipment, hardware, vehicles, computers, etc.) and/or funds spent in order to maintain or increase the scope of operations. (e.g., property, renovations/upgrades, building construction, long term assets, etc.);

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- operational/overhead expenditures (e.g., rent, utilities, office supplies, etc.); and
- other expenses deemed ineligible by ESD.

Some costs, such as staff travel (transportation, lodging, mileage, etc.), may only be eligible toward the grantee's match and not reimbursed by grant funds.

Grant & Payment Process

The grantee will receive an Award Letter after the grants have been announced. The grantee will be required to submit a final budget and MWBE questionnaire to the department upon being awarded, even if there is no change to the budget from the CFA. After that time, the grantee will then receive an Incentive Proposal outlining the requirements of the grant program, what is expected of the grantee if they choose to accept the grant and authorizing spending against the grant. The project will then be brought before the ESD Board of Directors for approval. If approval is received, the grantee will be required to enter into a contract (Grant Disbursement Agreement) with ESD, which will be sent to the grantee after Board approval. Reimbursements are eligible for request after the successful grantee has a signed/approved Grant Disbursement Agreement.

These processes may take several months to complete. Grantees may choose to start their project spending, but all spending will be at the risk of the grantee until the approval by the ESD Board.

ESD will pay the grantee on a **reimbursement basis**, no more frequently than quarterly, up to 50% of the total eligible costs that are supported by invoices, paid receipts, and other documentation* as required. The grantee will need to show a minimum of 50% of their match for each reimbursement request. Reimbursement forms and requirements will be included in the Grant Disbursement Agreement. No financial payment of the grant will be made upfront. **The grantee therefore should be prepared to subsidize the project for up to 12 months during the process for requesting and receiving payments.**

*Other Documentation may include but is not limited to contracts; executed agreements; invoices; cancelled checks (both front and back); full bank statement from grantee's accounts (must show organization name, account number, address); and/or evidence of credit card documentation showing payment in full of the grantee's bank account. More information will be provided to grantees upon execution of a Grant Disbursement Agreement.

Expenses incurred prior to the award and announcement of a CFA grant are not eligible, and as such cannot be included in CFA project budgets.

All regional tourism marketing projects (working capital) are expected to complete projects within two years of the date of the award letter and awards may be terminated after that time.

Please note that awarded grants are non-transferable and project expenditures (grant and match) must be shown to have been expended from the grantee's accounts.

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Please note all MWBE and SDVOB requirements must be in compliance and Grants Gateway accounts in pre-qualified status for non-profit organizations, in order for payments to be processed.

Fees

There are no fees associated with the regional tourism marketing (working capital) funding track.

Reporting

All projects will require that a final report be completed before a final reimbursement will be made.

II. Regional Tourism Capital

Up to \$8 million

Only minimum requests of \$150,000 or more will be considered, not including the grantee match. Any grant requests under \$150,000 will be found ineligible and will not be scored.

Applications will be accepted for projects that include plans to expand, construct, restore or renovate New York State tourism destinations and attractions. Applicants must demonstrate how the tourism capital project will work to promote and forward the tourism goals of the corresponding REDC's strategic plan, in addition to increased visitation and visitor spending.

Successful tourism capital projects will also complement the goals and strategies of I LOVE NY and the New York State Division of Tourism, namely, to make New York State the destination of choice for families looking to create meaningful memories and those elements highlighted in ***Significant Tourism Initiatives section***. Measurement criteria include increases in room nights, visitor frequency, visitor spending and length of stay.

ESD requires that the applicant contribute a minimum of 10% of the total project cost in the form of equity contributed after the applicant's acceptance of ESD's incentive proposal. Equity is defined as cash injected into the project by the Recipient or by investors and should be auditable through Recipient financial statements or Recipient accounts, if so, requested by ESD. Equity cannot be borrowed money secured by the assets in the project. This 10% equity contribution is included as part of the required 80% match for *Market New York* capital projects discussed below.

Projects that include a hotel (with more than 15 employees) as a principal function and/or a convention center are required to demonstrate compliance with Section 2879-b of Public Authorities Law regarding labor peace.

Required Match

80% Match Required

ESD generally seeks to provide no more than twenty percent (20%) of the financing for Tourism Capital projects. **An actual cash match of 80% of the Total Project Cost is required.** In-kind matches and/or staff time are not eligible for the match requirement. Funds from any state agency (including, but not limited to I LOVE NY Matching Funds, EDA Subawards, Meet in New York and the ESD Grant Funds) are ineligible to be used for the match.

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Match Example: The minimum request of \$150,000 (20%) grant would require a match of \$600,000 (80%) or more, for a total project cost of \$750,000. Another example: If your total project cost is \$1,000,000 you can apply for 20% which would be a \$200,000 grant request, and a required match of at least \$800,000 would need to be demonstrated.

Project Plan

All applicants are REQUIRED to include a project plan. Applications that do not include a project plan will be deemed ineligible.

A project plan should outline the specifics of the project (within 15 pages or less, project plans over 15 pages may not be reviewed), the budget and specifically how the grant funds and the grantee equity will be used, as well as any other information that the applicant would like to share with the scoring teams. It is also strongly advised that applicants provide information that clearly and specifically addresses the scoring criteria listed later in these guidelines. The budget in the project plan should reflect the same total project costs indicated in the budget section of the CFA application.

Eligible Expenses

Eligible projects costs should be associated with the construction of a new tourism destination/attraction or adding on to and/or restoring an existing tourism destination/attraction, and/or with permanent structures or other infrastructure associated with a special event.

In general, eligible tourism capital costs include, but are not limited to, the following:

- acquisition or leasing of land, buildings, machinery and/or equipment;
- pre-development costs;
- remediation costs;
- improved accessibility services;
- purchase of equipment and/or event amenities (ex. permanent staging, fixed assets, etc.);
- acquisition of an existing business and/or assets;
- new construction, renovation, or leasehold improvements; and
- administrative costs up to a maximum of 10% of the total project cost as approved by ESD. Administrative costs are defined as staff costs to complete the required project / grant program documents, communication and reporting elements, not including general overhead costs of everyday business that are unrelated to the administration of the grant. Administrative costs must be demonstrated at the time that reimbursement is requested through payroll journals, cashed payroll checks and / or other sources deemed appropriate by ESD. While administrative costs may be reimbursable, they are often more effectively applied instead toward the grantee's required match; and
- other costs deemed reasonable by ESD.

Ineligible Expenses

Ineligible expenses include, but are not limited to, the following:

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- developer fees;
- workforce development training for staff or consultants;
- recapitalization/refinancing;
- expenses reimbursed from any other source or agency;
- food and/or beverages for consumption, including alcoholic beverages;
- legal fees, insurance/liability insurances and/or membership fees;
- mini-grants or reallocation of any portion of grant funds to other organizations, outside of approved subcontractors for the project;
- loan, finance, interest and/or tax fees;
- any costs incurred for events held outside New York State;
- working capital expenditures;
- fireworks, competition prizes, prize money and monies paid to participants. These costs can be used towards the grantee match ONLY;
- in-kind, donated, volunteer services;
- fringe benefits (such as health insurance, retirement benefits and other non-mandated benefits);
- wayfinding signage (signage produced to be placed on city, county, state roads);
- operational/overhead expenditures (e.g., rent, utilities, etc.);
- residential development, although program funds may be used for the commercial component of a mixed-use project; and
- other expenses deemed ineligible by ESD.

Note: Expenses incurred prior to submission of a CFA may not be included in CFA project budgets; anticipated expenses that might be incurred after submission of a CFA but prior to an award announcement will not be reimbursed.

Grant & Payment Process

The grantee will receive an award letter after the grants have been announced. The grantee will be required to submit a final budget and MWBE questionnaire to the department upon being awarded, even if there is no change to the budget from the CFA. After that time, ESD will send the awarded grantee an Incentive Proposal outlining the requirements of the grant program and what is expected of the grantee if they choose to accept the grant. The grantee will alert their ESD project manager when their capital project is approximately one (1) month from completion. The project will then be brought before the ESD Board of Directors for approval. If approval is received, the project will be set up (by ESD) for a public hearing. The grantee will be invoiced for these associated fees. The project may then be presented for approval to the Public Authorities Control Board. If approved, the grantee will be required to enter into a contract (Grant Disbursement Agreement) with ESD, which will be sent to the grantee after Board approval.

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ESD will pay the grantee on a **reimbursement basis**, up to the total award amount, and disbursed in a lump sum upon project completion as evidenced by attainment of a certificate of occupancy and/or other documentation verifying project completion as ESD may require, and receipt of documentation verifying project expenditures for the total project cost being expended from the Grantee's accounts only. No financial payment of the grant will be made upfront. Grantees may be eligible for a reimbursement after the grantee has a signed and approved Grant Disbursement Agreement.

Awards are offered as an incentive to undertake a project. Therefore, the project should not begin before funding awards have been announced. Neither expense incurred prior to submission of a CFA nor expenses incurred after submission of a CFA but prior to an award announcement should be included in CFA project budgets.

Please note, all Grants Gateway accounts (for non-profit organizations) and MWBE compliance must be up to date in order for payments to be processed.

Fees

The grantee will provide a \$250 application fee, due when the incentive proposal is returned and a 1% (of the awarded grant) commitment fee, due after ESD Directors' approval and at the time a Grant Disbursement Agreement is executed. In addition, the grantee will reimburse ESD for any direct expenses incurred in connection with this project, including costs related to holding a public hearing, attorney fees, appraisals, surveys, title insurance, credit searches, filing fees and other requirements deemed appropriate by ESD.

Reporting

All projects will require that a final report be completed before a final reimbursement will be made. Requirements for such reports/requests will be outlined in the Grant Disbursement Agreement with successful awardees.

*****FOR ALL GRANTEES:**

- Awarded grants are not transferable (no exceptions).
- All project expenditures (grant and match) must be demonstrated to have been expended from grantees accounts, and reimbursement payments will only be made to the awarded grantee.
- Expenditures made by partners and/or consultants are not eligible unless the grantee can demonstrate that the partner and/or consultant was directly reimbursed by the grantee for the expenses and/or services rendered.
- Mini-grants and/or reallocation of funds to other organization are not an eligible expense.
- Any use of the I LOVE NY logo as part of the funded project must conform to ESD guidelines and be approved in advance by ESD; non-compliance may result in a reduction, 25% penalty and/or termination of an award.
- No further money would be exchanged with the grantee, including but not limited to rights and space fee(s), in the event that I LOVE NY and / or the NYS Division of

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Tourism would choose to: record video footage related to the project or grantee for state tourism promotion purposes; have a tourism promotion presence at public events related to the project or put on by the grantee; and/or distribute I LOVE NY marketing materials at sites controlled by the grantee.

- If an application fails to show any demonstrated “match,” the application may be deemed ineligible.
- Being awarded a grant **does not** imply automatic approval of elements in the submitted marketing plan if they do not comply with local/state/federal laws and/or regulations, including the requirements of the *Market New York* grant program itself.
- *Market New York* grants are meant to initiate new projects and/or provide support to expand a project beyond what an organization can do on its own. Therefore, projects that have been funded in three (3) consecutive rounds may be deemed ineligible. It is also likely that funding for multi-year or ongoing projects will decrease for each year after the first year of funding in order to facilitate self-sufficiency of these tourism projects.
- If an organization has been awarded in multiple past rounds, regardless of the nature of the project, and/or if the organization still has an open/active grant, it may be deemed ineligible at the sole discretion of the Department.
- All grantees are fully responsible for being aware of any taxes required to be paid as a part of accepting an awarded grant. ESD is not able to advise on your tax reporting status.
- Any changes of an awarded project budget (including the match) of more than 10% or \$1,000, whichever is greater, and/or major changes to the scope of the project may cause a reduction of an awarded amount or termination of your awarded grant.
- Satisfactory progress is necessary for a successful project. Satisfactory program includes but is not limited to timely submission of all necessary documents needed for contract execution, such as required proofs of insurance and an MWBE Utilization Plan.
- While the *Market New York* guidelines do not expressly indicate specific procurement practices, the Tourism Grants Department supports fair and competitive vendor selection processes. As such, it is the express responsibility of the grantee to establish a competitive process for selecting vendors, firms and contractors applying to all project elements funded through the *Market New York* grant program. The Department reserves the right to reject any vendor, firm and/or contractor for reasons of conflict of interest.
- Communication with ESD and the *Market New York* team are essential for your project’s success. , As such, if your project manager does not receive a response from your organization within 60 days of any outreach from ESD, we may consider your award abandoned and look to terminate the grant/award.

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- Any work done by vendors/contractors/consultants requires an executed contract or other written agreement. Otherwise, requests for reimbursement of these expense may not be accepted.
- ESD/*Market New York* staff cannot advise on marketing elements. You may consider hiring a consultant for these purposes.
- Insurance Requirements:
 - Capital projects and working capital project that are events related will be required to meet all applicable insurance requirements.
 - Grantees will be required to carry appropriate insurance and agree that each project consultant, project contract and project subcontractor secures and delivers to the grantee appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies held by the grantee must name the State of New York, Empire State Development and the NYS Division of Tourism as an additional insured and certificate holder, with appropriate limits, covering grantee's public liability and property damage insurance, grantee's contingency liability insurance, "all-risk" insurance, workers' compensation, and disability coverage for the project. Additional insurance or insurance riders may be requested by the Department based on the project work plan.

MARKET NEW YORK SELECTION CRITERIA

(Applies to both Regional Tourism Marketing and Capital projects)

ESD will establish an internal technical review committee that will score each eligible application (applications determined to be ineligible will not be scored). Accepted applications will be reviewed by applying the review criteria described below. Reviewers' final scores will be combined to provide a final average score for each proposal.

An executive review team may then also consider additional or subsequent information pertaining to the proposals that may not have been available for the reviewers to consider and award up to 30 points to each proposal.

Applications will be scored by the internal technical review team based upon the following criteria and combined with **up to 20 points** to be scored by the REDC.

I. ESD TECHNICAL REVIEW [50 Points Total]

INCREASED TOURISM IMPACT [up to 10 Points]

How well does the project plan demonstrate the following?

- Evidence that the project will increase tourism to and within New York State;
- Evidence that the theme and/or scope of this project will support the REDC strategic plan for the affected region(s);

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- Evidence of overall positive economic impact on the region(s);
- Evidence that the project relates to and/or supports one attraction/destination.

I LOVE NEW YORK ALIGNMENT [up to 10 Points]

How well does the project plan demonstrate alignment with the goals and strategies of I LOVE NY and the New York State Division of Tourism, increasing the perception and consideration of New York State as a travel destination, increasing visitation and creating a positive economic impact. See ***Significant Tourism Initiatives*** section for further specifics.

Additional consideration in this category will be given for:

- Information demonstrating project partnerships, such as how the applicant will collaborate with regional partners on the project, particularly with TPAs.

PROJECT PLAN [up to 20 points]

How well does the project plan describe the following:

- Organizational history – in 1 paragraph or less;
- Mission statement/goal of the project – in 1 paragraph or less;
- What the project is, as concisely as possible, and in no more than 15 pages;
- The project's budget, demonstration of how the ESD reimbursed funds AND grantee match will be spent, with all financial figures matching throughout the application, budget, and project plan;
- Demonstrated need for the grant funding;
- A timeline for individual project steps;
- Performance measures/metrics to quantify the return on investment (ROI) and demonstrate the economic impact.

All applicants are REQUIRED to include a project plan. Applications that do not include a project plan will be deemed ineligible.

Please note: If a project plan does not demonstrate a clear match, as outlined in the guidelines, your application may be deemed incomplete, and you may receive a low score for these criteria.

GRANT MATCH REQUIREMENT [up to 10 points]

How well does the project plan/budget demonstrate the necessary minimum cash match for total project costs, namely 50% or more for Region Tourism Working Capital/Marketing projects or 80% for Regional Tourism Capital/Construction projects, with information such as:

- A letter(s) from partners confirming financial support/sponsorship;
- A letter from grantee committing a specific amount of actual cash to the project;
- A letter from a bank showing a bank loan committed to the project, etc.; and / or

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- Financial documents that show required match in account

*Additional consideration will be given for applications demonstrating additional “match” funding for the proposal outside of the minimum required.

II. ESD EXECUTIVE REVIEW [30 Points Total]

ESD will consider additional factors pertaining to the proposals as part of the executive review that may not have been available for the reviewers to consider and award **up to 30 points** to each proposal. This review will take into account factors such as:

- Alignment with the mission of I LOVE NY and the New York State Division of Tourism;
- Past *Market New York* compliance and contractual history;
- Geographic/regional distribution and/or economic impact of projects awarded through the current round of *Market New York* funding;
- Project plan completion and clarity based on instructions above;
- and other mitigating factors as determined by ESD.

Requested award amounts may be reduced for proposals out of proportion to the overall amount of funding available in the current round of Market New York grants.

III. REGIONAL COUNCIL SCORE [20 Points Total]

Regional Economic Development Council scoring teams will score projects from their region up to a maximum of 20 points.

TOTAL POSSIBLE SCORE FOR PROPOSAL – [100 Points Total]

MORE INFORMATION/ASSISTANCE

For more information, please contact the New York State Division of Tourism staff at RegionalTourism@esd.ny.gov