

**NEW YORK STATE URBAN DEVELOPMENT CORPORATION  
d/b/a Empire State Development**

Empire State Development works to promote business investment and growth that leads to job creation and prosperous communities across New York State

Meeting of the Directors

Thursday

October 1, 2020 – 9:30 a.m.

**AGENDA**

**FOR CONSIDERATION**

**I. CORPORATE ACTION**

- A. Empire State Digital Program - Authorization to Adopt Guidelines; and Authorization to Take Related Actions

FOR CONSIDERATION

October 1, 2020

TO: The Directors

FROM: Eric J. Gertler

SUBJECT: Empire State Digital Program

REQUEST FOR: Authorization to Adopt Guidelines; and Authorization to Take Related Actions

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I. Background

The Coronavirus, which has been designated a global pandemic by the World Health Organization, is having a devastating impact on New York State's economy. As New York State and the country continue to try to stem the spread of the virus and contain additional outbreaks, life as well as commerce in the State has been disrupted dramatically.

In particular, New York-based small businesses, which make up 98% of all businesses across the State are bearing the brunt of the downturn. The Empire State Digital program (the "Program") will offer New York-based small businesses the opportunity to learn about and develop an online business presence and digital economy capabilities. This will be accomplished in cooperation with participating vendors that provide electronic or digital commerce-enabling services ("Eligible E-commerce Vendors") as well as the Entrepreneurship Assistance Centers, Small Business Development Centers, Manufacturing Extension Partnership Centers, NYS Hot Spots and NYS Certified Incubators (collectively "Resource Partners") who provide technical assistance and other resources to businesses in New York State.

Eligible E-commerce Vendors who participate in the Program will offer educational and training opportunities, marketing support, discounted offerings on their e-commerce products and services and other resources to New York-based small businesses so as to enable them to expand and to reach new markets and new customer bases. The Resource Partners will also provide complementary e-commerce specific educational, informational and training resources to New York's small businesses.

The proposed guidelines create the Program which is intended to: (1) educate and inform New York-based small businesses about developing an online business presence or electronic commerce capabilities; (2) facilitate opportunities for New York-based small businesses to grow their online presence and electronic commerce business as well as diversify their customer base and reach new markets; and (3) provide continuity of business opportunities at a time when social distancing and other precautions are essential public health priorities.

In furtherance of the policy of the State to promote a vigorous and growing economy, among other things, the Corporation seeks to immediately adopt guidelines implementing and covering the administration of this Program pursuant to its powers under Sections 5(15) and 5(28) of the Urban Development Corporation Act.

II. Environmental Review

Empire State Development staff has determined that the requested adoption of Program guidelines for the Program constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation. No further environmental review is required in connection with this authorization.

III. Requested Actions

The Directors are requested to authorize the adoption of the Guidelines substantially in the form annexed to these materials with such modifications and additions as the Corporation's General Counsel shall deem necessary or appropriate for the implementation of the Program and applicable laws and regulations and to authorize the taking of all related actions necessary or appropriate to effectuate the foregoing.

IV. Recommendation

Based on the foregoing, I recommend that the requested actions be approved.

Attachments

Resolution  
Proposed Guidelines

October 1, 2020

Empire State Digital Program – Authorization to Adopt Guidelines; and Authorization to Take Related Actions

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RESOLVED, that the Corporation hereby adopts the guidelines for the Empire State Digital program (the “Program”) to provide for the implementation of the Program and administrative functions of the Program, a copy of which is hereby ordered filed with the records of the Corporation (the “Materials”); and be it further

RESOLVED, that the General Counsel of the Corporation, or their designee, is authorized to proceed with and make modifications and additions to the Guidelines as may be necessary or appropriate in order to implement the Program and comply, where applicable, with any applicable laws and regulations; and be it further

RESOLVED, that the President and Chief Executive Officer Designate of the Corporation, or their designee, be and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver any and all documents and to take all action as they may in their sole discretion consider to be necessary or appropriate to effectuate the foregoing resolutions.

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**EMPIRE STATE DIGITAL**

**PROGRAM GUIDELINES**

## **EMPIRE STATE DIGITAL**

### **PROGRAM GUIDELINES**

#### **A. Purpose and General Description**

Globalization, the digital economy and now the Covid-19 pandemic have disrupted not only daily life, but also the commercial activities of New York-based small businesses, who make up 98% of all businesses in New York. The Empire State Digital program (the “Program”) offers New York-based small businesses the opportunity to learn about and develop an online business presence from electronic commerce-enabling businesses. Such enabling businesses who participate in the Program will offer educational and training opportunities, marketing support, discounted offerings and other resources to New York-based small businesses so as to enable them to expand and to reach new markets and new customers.

Eligible electronic commerce enablers will participate voluntarily. Additionally, resource partners of New York State Urban Development Corporation dba Empire State Development, including for example, Entrepreneurship Assistance Centers, Small Business Development Centers, Manufacturing Extension Partnership Centers, NYS Hot Spots and NYS Certified Incubators will provide technical assistance, education and training to New York State small businesses, further pursuant to their already-existing grants such as COVID-19 Disaster Relief Technical Assistance Grants.

The Program is anticipated to have a pilot phase for one year with several e-commerce firms who have agreed to participate as Eligible E-commerce Vendors. To expand available opportunities and resources to the public, other e-commerce vendors are invited to express their interest in becoming Eligible E-commerce Vendors and the Empire State Digital website will contain information for interested businesses to reach out to the Corporation.

#### **B. Definitions**

1. “Corporation” shall mean the New York State Urban Development Corporation dba Empire State Development.
2. “Eligible E-commerce Vendor” shall mean a business that provides products and services to facilitate electronic, digital and/or internet-based commerce and that satisfies the participation requirements set forth below.
3. “Resource Partners” shall mean the Entrepreneurship Assistance Centers, Small Business Development Centers, Manufacturing Extension Partnership Centers, NYS Hot Spots and NYS Certified Incubators that are grantees of Empire State Development and that provide technical assistance, business advising services, growth and innovation services and/or other resources to businesses in New York State.

### **C. Assistance Provided by the Program**

The Program, in conjunction with the Corporation's Resource Partners and Eligible E-commerce Vendors, makes available to small businesses in New York a convenient forum for information, education and opportunities to expand and to grow and develop an online business presence or electronic or internet-based commercial operations:

1. Eligible E-commerce Vendors may provide educational content to New York-based small businesses at no charge.
2. Eligible E-commerce Vendors may also provide information and/or host webinars in conjunction with the Corporation and the Resource Partners for New York-based small businesses as well.
3. Eligible E-commerce Vendors may create New York State-specific landing pages to house materials and links to products, services and resources.
4. Eligible E-commerce Vendors may provide discounted offerings to New York-based small businesses. The discounted offerings may be offered exclusively to New York-based small businesses.
5. The Corporation will create and host an "Empire State Digital" website to provide information and links to the E-commerce Vendors' platforms and other resources, for the convenience of New York-based small businesses.

The offerings and assistance provided by Eligible E-commerce Vendors may vary, depending on the nature of the vendor's business and as needed.

### **D. Participation Requirements by Eligible E-commerce Vendors**

To participate in the Program as an Eligible E-commerce Vendor, such vendor must:

1. Be a for-profit corporation that provides products and services to facilitate or enable business or commercial operations in electronic, digital and/or internet-based commerce;
2. Be a responsible business, as determined by the Corporation;
3. Agree to provide offerings including free or discounted educational content, training materials, marketing support and/or products and services that facilitate electronic, digital and/or internet-based commerce, where appropriate;
4. Agree to provide information and data to the Corporation, concerning for example participation by New York-based small businesses, where appropriate.

The Eligible E-commerce Vendor must also agree to sign a memorandum of understanding memorializing the terms of its participation in the Program.

**E. Extension of the Program**

The Program is anticipated to last for one year from adoption in a pilot phase. At the discretion of the Executive Vice President, Division of Small Business and Technology Development of the Corporation, the Program may be extended for an additional year.

The Corporation reserves the right to update or amend the Guidelines, including participation requirements, as needed.