

Re: Request For Proposal - ID# EAP2009 - Entrepreneurial Assistance Program

Empire State Development Corporation (“ESDC”) invites not-for-profit corporations, community colleges and boards of cooperative educational services to submit proposals for funding from ESDC’s Entrepreneurial Assistance Program (the “Program”). The Program awards grants to organizations to provide instruction, training, counseling and support services to individuals who have recently started their own business or are interested in starting a business. The program’s EAP centers are strategically located throughout the State. EAP assists new and aspiring entrepreneurs in developing basic business management skills, refining business concepts, devising early-stage marketing plans and preparation of action plans. In addition, the program actively assists EAP client efforts to obtain business financing. Two-thirds of the centers operate or are formally affiliated with a micro-loan fund. Read this entire RFP carefully before beginning work on a proposal, and take care to address all requests for information contained herein.

This year’s appropriation will allow for the potential award of up to \$73,500 per applicant. This is not representative of future appropriations. However, positive outcomes may ensure overall program recognition.

Please be aware that ESDC will carefully evaluate proposals in terms of the applicant’s performance in meeting the goals and reporting requirements established.

If your organization would like to be considered for this Program, complete the enclosed request for proposals (“RFP”). Ten copies of the completed proposal must be received **no later than 5:30 p.m. Monday, July 13, 2009.**

Deliver ten copies of your unbound proposal to:

Ms. Joyce Smith, Director
Entrepreneurial Assistance Program
Empire State Development Corporation
633 Third Avenue – 33rd Floor
New York, NY 10017-6754

Should you have any questions about the EAP Program or this RFP, please phone me at (212) 803-3234 or E-mail me at jasmith@empire.state.ny.us.

We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Joyce Smith", with a stylized flourish at the end.

Joyce Smith, Director
Entrepreneurial Assistance Program

ENTREPRENEURIAL ASSISTANCE PROGRAM

**REQUEST FOR PROPOSALS
FOR
CREATION OF AN EAP CENTER**

IN THE MID-HUDSON REGION

SERVICING THE COUNTIES OF

**ORANGE, SULLIVAN, ULSTER, DUTCHESS,
ROCKLAND, PUTNAM AND WESTCHESTER**

ID # EAP2009

June 22, 2009

**EMPIRE STATE DEVELOPMENT
Dennis Mullen, Chairman and CEO**

**633 THIRD AVENUE
NEW YORK, NY 10017**

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I. Introduction

Empire State Development Corporation (“ESDC”) requests proposals for grant funding to be made available from its Entrepreneurial Assistance Program (“EAP”) for an entrepreneurial assistance program center (“EAP Centers”). ESDC will award a grant to a not-for-profit corporation, community college or board of cooperative educational services (BOCES) pursuant to the procedure set forth below.

II. Purpose

The Omnibus Economic Development Law of 1987 authorizes the Department of Economic Development (“DED” or the “Department”), through the EAP, to issue contracts to not-for-profit corporations, community colleges and BOCES for the development of community-based EAP Centers. The Centers provide intensive assistance in enterprise development to minority group members, women, dislocated workers and individuals with a disability who:

- are seeking to start or are starting their own business ventures; or
- are seeking to expand their early-stage firms (1-5 years).

EAP Centers provide comprehensive counseling and training assistance to a relatively small numbers of clients (40 - 80 during a one-year period). The emphasis is on:

1. developing lasting business and problem-solving skills so that minority, women and disabled clients learn to independently and successfully manage and grow their businesses; and
2. generating concrete results related specifically to business creation, increased sales, expanded employment, and financing secured.

III. Guidelines

A. *Submission Requirements*

Complete the request for proposals (“RFP”) and submit Ten unbound copies no later than 5:30 p.m. July 13, 2009 to:

Ms. Joyce Smith, Director
Entrepreneurial Assistance Program
Empire State Development Corporation
633 Third Avenue – 33rd Floor
New York, NY 10017-6754

B. Eligibility Requirements

1. Projects

ESD seeks proposals for the creation and operation of an EAP Center which will have the following effects in the community in which it will be located:

- increase in business ownership among minority group members and women;
- minority and women-owned start-ups making the transition into small-growth companies;
- increased access to financing by minority and women-owned firms;
- significantly-expanded sales among minority and women-owned firms; and
- creation of private sector jobs.

An EAP Center proposed hereunder must provide the following program services:

- Enterprise Formation Assistance. One 60-hour entrepreneurship course supplemented by a minimum of 15 hours of intensive technical assistance to help new entrepreneurs complete business plans and to help them develop a viable business. Technical assistance should encompass refinement of business concept, break-even analysis and financial management, and marketing plans and market development.
- Enterprise Expansion Assistance. Centers shall maintain ongoing relationships with clients who have taken the entrepreneurship course in order to assist those new businesses to become small-growth companies. Enterprise expansion technical assistance shall include the following: working capital and cash flow management, general management skills, new market development, hiring and managing employees, managing growth, and accessing credit and capital.

2. Organizations

The following types of organizations are eligible to apply:

- a not-for-profit corporation, operated by a board of directors representing community leaders in business, education, finance and government;
- a community college; or
- a Board of Cooperative Educational Services (“BOCES”).

In addition, the applicant organization must be located in an area accessible to minority group members, women and other target populations.

ESD encourages proposals which are joint ventures between community-based organizations, local government, private and public lenders, and other service providers in the region.

3. Project Areas

Projects proposed must serve the Mid-Hudson Region including the counties of Orange, Sullivan, Ulster, Dutchess, Rockland, Putnam and Westchester.

4. Performance Goals and Timeline

EAP funding is administered through a performance-based contracting system that is designed to generate measurable concrete results in business creation, sales increases, increased access to financing, and job creation. The contract period for respondents to this RFP is 12-months. The 12-month project work-plan detailing the Centers major activities is outlined in the attached Tasks and Timeline (Appendix A). EAP minimum performance standards are listed in Appendix B. EAP Centers are expected to meet or exceed these requirements within the contract year.

5. Reporting Requirements

Grantees awarded under this RFP must prepare and submit progress and financial reports. Reports shall be in a form provided by ESD and shall contain information on, but not limited to, the following:

- A program narrative no more than ten (10) typewritten pages. In addition, attachments and/or other backup documentation should be kept to a minimum of ten (10) pages as well. The narrative, which is not a list of activities or itinerary, should discuss and/or highlight the activities initiated or performed in the areas below. Furthermore, it should clearly state what impact these activities did have or are expected to have on the overall operations of the program and/or impacts on customers.
- The applicant's documented commitment to affirmative action principles (Exhibit H-1 *Non-Discrimination and Affirmative Action attached*).
- Outreach to the Target Market Populations – Describe outreach activities during the report period to alert minority group members and women to the services of the program. Provide copies of letters, articles, brochures, advertisements and other promotional materials.
- Program Accomplishments – Provide quantitative and qualitative information on program progress and accomplishments during the reporting period.
- Client Narrative – Discuss and/or highlight on-going services provided to specific clients (i.e., business plan development in process, special technical assistance being provided, pending loans/grants, client comments, etc.)
- Statistical Report – Input data into EAP Database (instructions will be provided under separate cover).
- Coordination and Operational Linkages with Other Sources of Business Assistance – Describe efforts to coordinate and establish linkages with other organizations, public and private, to serve minority group members and women seeking to start businesses or in the early stages of business development. Identify organizations and summarize nature of coordination of linkages.
- Advisory Group Activity – Describe any problems encountered or barriers to implementation experienced in attempting to carry out program goals and objectives.
- Program Modifications/Work Plan Changes – Describe any needed program or work plan modifications. (All modifications/changes must be made in writing and must be approved by ESDC prior to implementation.)
- Success Stories (with photographs, if available) – Submit at least two (2) success stories on organizational letterhead.
- Business Plans – Submit completed business plans for EAP enrollees with the narrative report following the EAP graduation.

- Narrative information on training programs, seminars, special activities, etc. (including upcoming events and new training materials).
- Copies of attendance sheets and program or trainer evaluation forms.

The quality of services provided to clients is a major concern of ESD, and is therefore tracked closely through on-site visits, interviews of clients, verification of reporting, client file reviews, client satisfaction surveys, and reports submitted by the center. Funded centers will be required to:

- create, maintain and update client records of all services and activities provided to each EAP participant including the EAP on-line database. Client files should consist of, but not be limited to, the following:
 - a) Intake Form;
 - b) Update/Exit Forms;
 - c) Technical Assistance Tracking Forms;
 - d) EAP Program Evaluation Forms;
 - e) Client Statement of Services - Training;
 - f) Client Statement of Services - Graduation;
 - g) Client State of Information Received;
 - h) Client Assessment Forms;
 - i) Work Plan Agreement;
 - j) copy of graduation certificate;
 - k) copy of business plan;
 - l) copies of surveys (i.e., EAP center, trainers, consultants, etc.); and
 - m) other EAP client related documentation (i.e., success stories, pictures, etc.).
- track the progress of each client throughout the duration of the project;
- develop a system to compare progress/results and client satisfaction with projected accomplishments and time frames;
- establish procedures for collecting and accounting for all fees charged to clients.

Each grantee will be required to complete a Program Intake Form, Program Update/Exit Form, and a Client Technical Assistance Log for each person accepted into the program, other required program forms are included in the Appendices Section of this RFP. Program Intake Forms must be signed and dated by the EAP client and submitted with quarterly reports. Client Technical Assistance Logs must be signed and dated by EAP Director, Counselor or authorized

Staff member. Information collected on these forms is used to measure the impact of the program on individual clients and their businesses. Information collected will be kept confidential and will be used only for statistical purposes and ESD program staff to verify compliance with project goals. Copies of the forms and additional information on reporting will be provided to all awardees.

C. Funding

ESD intends to select up to one applicant from all proposals received from the target area. ESD reserves the right, in the exercise of its sole discretion, not to award any grant based upon responses received to this RFP or for any other reason.

The selected applicant will receive a grant up to \$73,500. As a condition of an EAP contract, an applicant must contribute an amount equal to 100% of the amount of funding provided by ESD. This matching contribution shall come from non-State sources and may not include enrollment fees. Fifty percent (50%) of the match must be cash. Future financial support will depend on the center's performance, its adherence to contract terms and the availability of funds. Under this performance-based system, the following procedures will be implemented:

1. Performance-based contracts will be made for a nine-month period. Minimum performance standards and project milestones will be established in accordance with contract award and center EAP experience.
2. An initial payment of 50% of the grant award shall be made to the grantee, after a contract has been executed. Subsequent payments shall be contingent upon the center meeting milestones on a timely basis.
3. Prior to the end of the first year of the contract, a center eligible for continued funding will be evaluated on its overall year-to-date performance in fulfilling program objectives and in meeting projected service outcomes. Based upon the center's performance, the availability of funds, and adherence to contract terms, ESDC will negotiate the second year program and budget with the center.
4. This Program is funded through ESDC's MWBDL Program and projects must therefore conform to the regulations of the MWBDL Program. The grant is to be used only for the purposes stated in the organization's proposal or otherwise approved, in writing, by ESDC.

D. Non-Discrimination and Affirmative Action

It is the policy of the State of New York and ESDC, to comply with all federal, State and local laws, policies, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action in working with contracting parties to ensure that Minority and Women-owned Business Enterprises (M/WBE's), Minority Group Members and women share in the economic opportunities generated by ESDC's participation in projects or initiatives, and/or the use of ESDC funds. ESDC's non-discrimination and affirmative action policy will apply to this initiative. The selected consultant shall be required to use good faith efforts to provide for the meaningful participation of M/WBEs, Minority Group Members and women in the execution of this initiative. A copy of each respondent's Equal Employment Opportunity Policy Statement, Staffing Plan of the anticipated workforce to be utilized for services and Schedule of Minority and Women Business Participation shall be included as part of the response to this RFP. The latter two forms can be found on the Required Forms for Vendors link at the ESDC website (http://www.empire.state.ny.us/rfp/required_forms.htm) under "RFPs/RFQs/RFAs". The ESDC Affirmative Action Office ("AAO") is available to assist you in identifying New York State certified M/WBEs that can provide services in connection with this initiative. If you require M/WBE listings, please call the AAO at (212) 803-3224.

IV. Evaluation

ESDC will evaluate proposals based on the completeness of the proposal and the following criteria:

- the applicant's understanding of program goals and objectives as outlined in the request for proposals;
- the need for and anticipated impact of the proposed EAP center on the community in which it will function and the expected outcomes of the program;
- the qualifications and experience of staff of the proposed EAP center;
- the extent to which the applicant has experience providing business management and technical assistance to clients;
- the extent to which the applicant has been effective in assisting in creating new enterprises and expanding struggling businesses;

- the extent to which the applicant has been effective in assisting clients access capital;
- the extent of economic distress in the area to be served;
- the applicant's knowledge of existing resources and service gaps in the community and its ability to coordinate services with existing sources of new and small business assistance in the community and region;
- the level of participation in the proposed EAP center of local leaders in post-secondary education, business, finance and government;
- the level of financial and other assistance provided at the State, federal and local levels, including private resources, to support the operations of the proposed EAP center;
- the plans of the proposed EAP center to supplement State, federal and local funding through fees for services which may be on a sliding scale based on clients ability to pay; and
- the applicant's documented commitment to affirmative action principles.

V. Additional Considerations

- By submitting its proposal, each applicant authorizes ESDC to contact any and all other persons identified in its proposal or in any investigation conducted by or on behalf of ESDC or the State, and obtain the release of pertinent financial and other information, as well as to obtain verification of the information provided by each applicant.
- ESDC will not be held liable for any costs incurred by any applicant for work performed in the preparation and production of a proposal, nor for any work performed prior to written authorization from ESDC to proceed. All proposals submitted will become the property of ESDC.
- ESDC reserves the right to:
 1. reject any or all proposals received;
 2. award grants in any amount;
 3. require the submission of modifications or additions to proposals as a condition of further participation in the selection process; and
 4. amend this request for proposals.

Unsuccessful applicants will receive written notice within 30 days of the announcement of successful applicants. This written notice will be the final response to this program announcement. ESD will not provide debriefing sessions for unsuccessful applicants.

VI. Definitions

- Clients Enrolled – Individuals that have enrolled in the program during the respective quarter, and fit into one of the following categories:
 - a) client requires extensive training, technical assistance and related services in business plan development and/or improved business skills. (This client registers and pays for the EAP components, which includes 60 hours of classroom training and at least 15 hours of extensive technical assistance and related services.)

OR

- b) client that requires extensive one-on-one individual attention in specific area(s) i.e., financial packaging, accounting, marketing, etc. (This client registers and pays for the EAP technical assistance, which includes a *minimum* of 15 hours or extensive technical assistance and related services.)
- Start-up – A business that has no prior history or legal documentation and/or has been in existence for less than one year.
- Existing Business – A business that has been in operation for one or more years and is legally documented as a formal business, e.g., DBA, filed tax forms, LLC, etc.
- Prior Clients Services – Those businesses that were enrolled in the EAP during a *past* contract year and require additional services in the *current* contract year.
- Business Started – Legally formalized company as a result of EAP training and/or assistance.
- Business Retained – As a result of EAP assistance a business avoided failure. This would mean meaningful, in-depth assistance on the part of the EAP center, at a minimum the client received at least 15 hours of staff service.
- Existing and Start-up Businesses w/Increased Sales – The *number* of companies that increased sales in the reporting quarter.
- Dollar Amount of Increased Sales (Existing and Start-up) – Dollar amount of increased sales reported by the businesses for the reporting quarter.
- Existing and Start-up Businesses w/Increased Employment – The *number* of businesses that hired new employees in the reporting.
- Increased Employees – The number of employees hired by existing and start-up businesses in the reporting quarter. Two part-time employees equate to one full time employee. Post part time employees as **.50**.

- Number of Firms with Retained Employment – Firms that without EAP center assistance would not have been able to retain current employment.
- Number of Retained Employees – Employees that were retained due to assistance from EAP center.
- Number of Financial Packages Developed – Packages developed with the assistance of the EAP staff and submitted to a micro-loan fund or a financial institution in the reporting quarter.
- Number of Financial Packages Secured – Number of packages (loans/grants) approved by a micro-lender or financial institution in the reporting quarter.
- Dollar Amount of Financial Packages Secured – Dollar amount of financing secured in the reporting quarter.
- Grant Disbursement Agreement (“GDA”) is a formal agreement or contract that is made on the terms and by the parties listed and relates to the Project described in the Directors' Materials and includes all exhibits, requirements, attachments and related documentation for contract compliance.
- Annual Goal – The numeric outcomes established for the contract year and made part of the grant disbursement agreement. Reported data is measured against the goals established to determine results to date. The statistical data is not the exclusive benchmark used in determining a center’s performance.
- Verification Process – Project Director and/or Project Associate contact with clients reported by each center as experiencing a business impact. This is a random sampling.
- Minority Group Member - Shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups: (i) Black persons having origins in any of the Black African racial groups; (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin, regardless of race; (iii) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands; and (iv) Native American or Alaskan native persons having origins in any of the original peoples of North America.
- M/WBE Certification - The minority and women-owned business program is designed to assist the growth and development of businesses owned and controlled by women and members of minority groups. An important activity of the program is to increase the participation of those businesses in the procurement activities of New York State. Definitions for Certification:
 - a) Potential Certification Applicant- A business enterprise that has applied for certification as a minority and /or women-owned business enterprise.

- b) Business Enterprise- Any entity, including a sole proprietorship, partnership or corporation, which is authorized to and is engaged in lawful business transactions in accordance with New York State Law.
- c) Certified Business- A business enterprise that has been approved by the Division for minority-owned business enterprise or women-owned business enterprise status subsequent to verification that the business is owned, operated and controlled by minorities and/ or women.

EXHIBIT A: COVER SHEET
Please provide all requested information

ESDC ENTREPRENEURIAL ASSISTANCE PROGRAM

Legal Name of Applicant (include d/b/a):

Street Address (not P.O. Box):

City: State: Zip: County:

Phone: Fax: Website: e-mail:

Executive Director/President:

Contact name, title and telephone number for this proposal:

Contact name, title and telephone number for small business referrals:

Federal taxpayer I.D./Charity Reg. # (non-profits only):

NYS State Unemployment Insurance Tax Number:

Parent Organization Name (if applicable):

Street Address (not P.O. Box):

City: State: Zip: County:

Is the organization currently seeking any other New York State assistance? Yes ☐ No ☐

Has the organization applied for or received prior New York State funding in the last five years? Yes ☐ No ☐

If the answer to any of the above questions is "Yes", attach a page to this sheet and describe each project, including dates, purpose, type and amount of funding requested/provided, and identify the agency, including ESDC, from which funding was or is being sought.

This year, ESDC is requesting the assistance of the applicants with the implementation of the statewide certification process under the direction of The Division of Minority and Women Business Development. Is the organization willing to participate in this process? Yes ☐ No ☐

EXHIBIT A (Page 2)
EAP PROPOSAL CHECKLIST
 (Use this checklist to ensure you submit all required documentation and
 include with Exhibit A Cover Page)

Organization Name: _____		Page(s)
☐	Exhibit A: Cover Sheet (use the RFA template)	12
☐	Exhibit B: Proposed Project Budget (follow the RFA EXAMPLE)	14
☐	Proposal (Based on Exhibit C: Submission Requirements) <i>Please submit a complete proposal narrative including a numbered table of contents.</i>	15 – 16
	Attachments:	16
☐	Copy of Certificate of Non-for-Profit Incorporation	
☐	Most recent audited or reviewed Financial Statements	
☐	Copies of financing commitments to demonstrate that all other required funding will be available for EAP operation	
☐	List of Board of Directors and Resumes	
☐	Copies of job descriptions and resumes for project director, staff and instructors	
☐	One complete copy of business training manual/materials	
☐	Copies of syllabus	
☐	Letters of support/letters of reference	
	Addendum:	
	Exhibit H-1 will be an addition to the required reporting documentation included within your grant disbursement agreement going forward. It is attached for your information.	

EXHIBIT B: PROJECT BUDGET

ENTREPRENEURIAL ASSISTANCE PROGRAM BUDGET FORM

(Available in Excel)

		COMPANY	COMPANY	OTHER	OTHER	
USE OF FUNDS	EDSC	CASH	INKIND	FUNDS CASH	FUNDS INKIND	TOTAL
Salaries	\$	\$	\$	\$	\$	\$
Fringe Benefits						
Contractual Services						
Consultants (training)						
Supplies/Materials						
Travel						
Equipment Rental						
Real Estate Rental						
Postage						
Printing						
Advertising						
Marketing						
Internet Usage/Fees						
Program Software						
Training Materials						
SUBTOTALS						
GRAND TOTALS	\$	\$	\$	\$	\$	\$

EXHIBIT C: SUBMISSION REQUIREMENTS

ESDC ENTREPRENEURIAL ASSISTANCE PROGRAM

Application Guidelines

Responses to this Request for Proposals should be double spaced and no longer than ten pages (not including attachments) with a table of contents, and should also include:

1. Organization Information

- The organization's mission and history of providing technical and financial assistance.
- a description of the area in which the EAP center is located, including statistics demonstrating that the target area can be classified as "economically distressed".

2. Project Implementation, Training, Technical Assistance and Results

- a general description of the proposed project;
- a description of the 60-hour entrepreneurship training, including but not limited to a syllabus and training manual, specific strategies for facilitating business skills development among EAP students, competencies that EAP students shall develop as a result of this training, and proposed trainers;
- a brief description of the nature of technical assistance that will be offered to young expanding firms as well as to start-ups. Identify the network of business professionals, small business volunteers and consultants who will provide technical assistance and mentoring to EAP clients; also strategies for ensuring individual clients have access to a minimum of 15 hours of technical assistance;
- a discussion of the organization's performance on similar business development contracts.
- a description of the specific activities that the center will undertake to help EAP clients to access needed credit and capital to finance the business start-up or expansion;
- a description of systems to be used for client tracking and evaluation;

3. Project Budget:

Prepare a 12-month project budget on the form found in Exhibit B. Include funding sources, consultant fees (identify consultant if known) and describe the ways, if any, that ESDC's grant funds would leverage other sources of funding.

4. Required Attachments

- Copies of Certificate of Non-for-Profit Incorporation;
- Copies of most recent financial statements;
- Copies of financing commitments to demonstrate that all other required funding will be available for the EAP operation;
- List of Board of Directors and resumes;
- Copies of job descriptions and resumes for project director, staff and instructors;
- One complete copy of business training manual/materials;
- Copies of syllabus; and
- Letters of support/letters of reference.

APPENDIX A

TASKS and TIMELINE Project Description (Page 1 of 4)

Task #	Task Description	Anticipated Time Schedule	Person Responsible	Reimbursable Upon Completion of Task
				Disbursement of initial 50% upon execution of contract and submission of payment requisition (Exhibit G)
1	Outreach efforts to new clients. Technical assistance to prior years' clients.	Ongoing	Program Staff	
2	Assessment and enrollment of clients.	Ongoing	Program Staff	
3	Classroom Training	EAP training must be completed within the first 6 months of the contract period. This will allow grantees time to work with current program graduates in addition to prior year clients served.	Program Staff	
4	Statistical data must be maintained and entered into the EAP Database quarterly: 1 st quarter - June 1, 2009 through August 31, 2009, 2 nd quarter - September 1, 2009 through November 30, 2009, 3 rd quarter - December 1, 2009 through February 28, 2009 and 4 th quarter – March 1, 2009 through May 31, 2009)—Note that no statistical data can be entered by the grantee after the database goes off-line on May 31, 2009 at 11:59pm	Ongoing	Program Staff	
5	It is a contract obligation to maintain and update EAP client files. This includes all program and client documentation forms including but not limited to, intake/update, technical assistance, program evaluations, statement of client services, etc. (files may be reviewed and/or audited at anytime during the contract year or as noted in Terms and Conditions of this contract)	Ongoing	Program Staff	

TASKS and TIMELINE
Project Description
(Page 2 of 4)

Task #	Task Description	Anticipated Time Schedule	Person Responsible	Reimbursable Upon Completion of Task
6	First - Client Statistical Report • A printed copy of the Performance Status Report; • A printed copy of the Outcome List for All Clients (Detailed Status Report) • A full client narrative report • Note and Certification Section (See EAP Reporting Memorandum dated June 2009 for format and submission requirements)	Period Covering: September 1, 2009 through November 30, 2009 Due: December 15, 2009 Deadline date for entering client information, statistical data and running reports in the on-line database for the Second quarter is November 30, 2009.	Program Staff	
7	Six Month Report: • Full narrative covering all program activities to date, (i.e., training/counseling outreach, accomplishments, advisory group, etc.); and • Schedule A-1 (Workforce Employment Utilization) and Schedule A-2 (MBE/WBE Compliance) whether or not there has been activity in the period.	Period Covering: June 1 2009 through December 31, 2009 Due: January 15, 2010	Program Staff	
8	Second - Client Statistical Report • A printed copy of the Performance Status Report; • A printed copy of the Outcome List for All Clients (Detailed Status Report) • A full client narrative report • Note and Certification Section (See EAP Reporting Memorandum dated June 2009 for format and submission requirements)	Period Covering: December 1, 2009 through February 28, 2010 Due: March 15, 2010 Deadline date for entering client information, statistical data and running reports in the on-line database for the Third quarter is February 28, 2010.	Program Staff	

TASKS and TIMELINE
Project Description
(Page 3 of 4)

Task #	Task Description	Anticipated Time Schedule	Person Responsible	Reimbursable Upon Completion of Task
		Continued training and technical assistance (i.e., client advisory group, marketing, accounting services etc.) Outreach efforts to other community-based organizations for collaborative efforts.	On-going Program Staff	
9	Third - Statistical Report - A printed copy of the Performance Status Report; - A printed copy of the Outcome List for All Clients (Detailed Status Report) - A full client narrative report - Note and Certification Section (See EAP Reporting Memorandum dated June 2009 for format and submission requirements)	Period Covering: March 1, 2009 through May 31, 2010 Due: June 15, 2010 Deadline date for entering client information, statistical data and running reports in the on-line database for the Fourth quarter is May 31, 2010 at 11:59PM.	Program Staff	
10	FINAL Report which includes the following: (See EAP Reporting Memorandum dated June 2009 for format and submission requirements): - Full narrative covering new program activities and anything not reported previously, (i.e., training/counseling, outreach, accomplishments, advisory group activities); - Submission of all program forms (i.e., intake/update, evaluations, technical assistance tracking, statement of services, business plans etc.); 1-2 Success Stories (with signed client consent form(s)); Schedule A-1 (Workforce Employment Utilization) and Schedule A-2 (MBE/WBE Compliance) whether or not there was activity in the period.	Period Covering: January 1, 2010 through August 31, 2010 Final 50% goal attainment is required at this time. Due: September 15, 2010 Deadline date for submitting subsequent program documentation in addition to entering client information and statistical data into the on-line database is August 31, 2010 at 11:59PM Project Completed/Closed August 31, 2010	Program Staff and ESD assigned staff	All reimbursement requests must include required back-up documentation. (See reporting requirements memo. Disbursement of 40% upon: Submission of back-up documentation for advance if not yet submitted; Approval of required reports; Submission of all EEO & MWBE Schedules (A-1 and A-2). Disbursement will not be made until Affirmative Action has signed off; Disbursement of final payment and 10% retainage upon completion of all program requirements.

APPENDIX A

TASKS and TIMELINE Project Description (Page 4 of 4)

Task #	Task Description	Anticipated Time Schedule	Person Responsible	Reimbursement Upon Completion of Task
10 (con't)	Final - Client Statistical Report • A printed copy of the Performance Status Report for the entire contract year • A printed copy of the Outcome List for All Clients (Detailed Status Report) for the entire contract year; • A full client narrative report only for those clients not included in previous reports • Note and Certification Section (See EAP Reporting Memorandum dated June 2009 for format and submission requirements)	Period Covering: June 1, 2009 through August 31, 2010 Due: September 15, 2010	Program Staff and assigned ESD staff	

**ENTREPRENEURIAL ASSISTANCE PROGRAM
2009 – 2010 Annual Program Goals**

- a) The Entrepreneurial Assistance Program encourages the start of new businesses and the continuous development of existing businesses. Each Center enhances the entrepreneurial, management and administrative skills of business owners in New York State, specifically whose businesses are less than five years of age and those who are planning to start one. Sixty hours of training, supplemented by more extensive technical assistance, is provided directly to clients. The aim is to help entrepreneurs develop a viable business and to assist new firms to make the transition to small growth companies.
- b) Signs stating, “Funding provided by a grant from the Empire State Development Entrepreneurial Assistance Program”, should be visible to clients and the general public entering the Center.
- c) Listed below are the minimum performance standards for a new center (based on a 12-month project term from September 1, 2009 through August 31, 2010) with a grant up to \$73,500.

CLIENTS/BUSINESSES

New Clients Enrolled	10
Prior Clients	0
Businesses Started	4
Businesses Saved	0

EXISTING BUSINESSES

Number of firms with increased sales	2
Aggregate amount of increased sales	\$50,000
Number of firms with expanded employment	2
Number of new employees	2
Number of firms with retained employment	1
Number of retained employees	2

START-UP BUSINESSES

Number of firms with increased sales	1
Aggregate amount of increased sales	\$10,000
Number of firms with expanded employment	1
Number of new employees	1

FINANCING (for start-up and existing businesses)

Financial packages developed	1
Financial packages approved	1
Amount of financing secured	\$30,000

- * Grantees are required to meet at least 75% of the above-noted program goals by the end of the project term, August 31, 2010.

EXHIBIT H-1: ESDC NON-DISCRIMINATION AND AFFIRMATIVE ACTION PROVISIONS

Policy

It is the policy of the State of New York and ESDC, to comply with all federal, State and local law, policy, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action to ensure that Minority and Women-owned Business Enterprises (M/WBEs), Minority Group Members and women share in the economic opportunities generated by ESDC's participation in projects or initiatives, and/or the use of ESDC funds.

- 1) The recipient of State funds represents that its equal employment opportunity policy statement incorporates, at a minimum, the policies and practices set forth below:
 - a) Grantee shall (i) not unlawfully discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, (ii) undertake or continue existing programs of affirmative action to ensure that Minority Group Members and women are afforded equal employment opportunities, and (iii) make and document its conscientious and active efforts to employ and utilize M/WBEs, Minority Group Members and women in its workforce on contracts. Such action shall be taken with reference to, but not limited to, solicitations or advertisements for employment, recruitment, job assignment, promotion, upgrading, demotion, transfer, layoff or termination, rates of pay or other forms of compensation, and selection for training or retraining, including apprenticeship and on-the-job training.
 - b) At the request of the AAO, the Grantee shall request each employment agency, labor union, or authorized representative of workers with whom it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative does not unlawfully discriminate, and that such union or representative will affirmatively cooperate in the implementation of the Grantee's obligations herein.
- 2) Grantee agrees to use its best efforts to include minorities and women in any job opportunities created by the Project; and to solicit and utilize M/WBE firms for any contractual opportunities generated in connection with the Project.
- 3) Grantee represents and warrants that, for the duration of the Agreement, it shall furnish all information and reports required by the AAO and shall permit access to its books and records by ESDC, or its designee, for the purpose of ascertaining compliance with provisions hereof.
- 4) In the event that the Grantee or any Contracting Party violates any of the provisions of this Agreement, the ESDC may require that the following sanctions and remedies for non-compliance be imposed: (i) Summon the Grantee or Contracting Party for a hearing with the AAO. (ii) After any such hearing, and a determination by the AAO that the Grantee or Contracting Party has failed to comply with any of these provisions, and the passage of time in which to remedy such failure has transpired, this Agreement may be canceled, terminated or suspended, in whole or in part. Alternatively, the AAO, in his/her sole discretion, may assess liquidated damages against the Grantee for failure to demonstrate its best efforts in complying with the affirmative action program. Liquidated damages may be assessed in an amount equal to the dollar value of Contracts that would have been realized by M/WBEs if the goals had been achieved. (iii) If such an award is assessed against Grantee, the amount of such assessment may be withheld from any monies due to the Grantee by the ESDC or may be paid to the ESDC by the Grantee. Any liquidated damages collected hereunder shall be paid into one or more M/WBE technical assistance funds administered by the ESDC. (iv) Such sanctions that may be imposed and remedies invoked hereunder, shall be considered independent of, or in addition to, sanctions and remedies otherwise provided by law.
- 5) Grantee shall include or cause to be included, paragraphs (1) through (5) herein, in every contract, subcontract or purchase order with a Contracting Party executed in connection with the Project, in such a manner that said provisions shall be binding upon each Contracting Party as to its obligations incurred in connection with the Project.

ESDC NON-DISCRIMINATION AND AFFIRMATIVE ACTION DEFINITIONS

Affirmative Action

Shall mean the actions to be undertaken by the Borrower, Grantee and any Contracting Party in connection with any project or initiative to ensure non-discrimination and Minority/Women-owned Business Enterprise and minority/female workforce participation, as set forth in paragraph 2) herein, and developed by ESDC.

Affirmative Action Officer (“AAO”)

Shall mean ESDC’s Affirmative Action Officer or his/her designee, managing the affirmative action program for ESDC.

Best Efforts - Minority and Women-owned Business Enterprise Participation

For the purposes of this Agreement, it is understood that (i) best efforts are not limited to the efforts specified herein, and (ii) the role of M/WBE firms are not restricted to that of a subcontractor/subconsultant. Where applicable, M/WBE firms should be considered for roles as prime contractors. Such best efforts shall include at least the following:

- (a) Dividing the contract work into smaller portions in such a manner as to permit subcontracting to the extent that it is economically and technically feasible to do so;
- (b) Actively and affirmatively soliciting bids from qualified M/WBEs, including circulation of solicitations to Minority and Women's trade associations. Each Contracting Party shall maintain records detailing the efforts made to provide for meaningful M/WBE participation in the work, including the names and addresses of all M/WBEs contacted and, if an M/WBE is the low bidder and is not selected for such work or portion thereof, the reasons for such decision;
- (c) Making plans and specifications for prospective work available to M/WBEs in sufficient time for review;
- (d) Utilizing the services and cooperating with those organizations providing technical assistance to the Contracting Party in connection with potential M/WBE participation on the Contract;
- (e) Utilizing the resources of the AAO to identify New York State certified M/WBE firms for the purpose of soliciting bids and subcontracts;
- (f) Encouraging the formation of joint ventures, associations, partnerships, or other similar entities, where appropriate, to ensure that the Contracting Party will meet its obligations herein; and
- (g) Remitting payment in a timely fashion.
- (h) A Contracting Party’s best efforts will be assessed by examining the total dollar value of the work performed by M/WBEs. The total dollar value of the work performed by M/WBEs will be determined as:
 - (i) the dollar value of the work subcontracted to M/WBEs; (ii) where the Contracting Party is a joint venture, association, partnership or other similar entity including one or more M/WBEs -- the contract price multiplied by the percentage of the entity’s profits/losses which are to accrue to M/WBE(s) under the Contracting Party’s agreement; or (iii) where the M/WBE is the Contracting Party -- the contract price.

Contract

Shall mean (i) a written agreement or purchase order instrument, or amendment thereto, executed by or on behalf of a Contracting Party, providing for a total expenditure in excess of \$5,000 for labor, services, supplies, equipment, materials or any combination of the foregoing funded in whole or in part with ESDC funds and (ii) any loan or grant agreement funded in whole or in part with ESDC funds.

Contracting Party

Shall mean (i) any contractor, subcontractor, consultant, subconsultant or vendor supplying goods or services, pursuant to a contract or purchase order in excess of \$1,500, in connection with any projects or initiatives funded in whole or in part by ESDC and (ii) any borrower or grantee receiving funds from ESDC pursuant to a loan or grant document.

Minority Business Enterprise (“MBE”)

Shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is: (i) at least fifty-one percent (51%) owned by one or more Minority Group Members; (ii) an enterprise in which such minority ownership is real, substantial and continuing; (iii) an enterprise in which such minority ownership has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; (iv) an enterprise authorized to do business in the State of New York and is independently owned and operated; and (v) an enterprise certified by New York State as a minority business.

Minority Group Member

Shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups: (i) Black persons having origins in any of the Black African racial groups; (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin, regardless of race; (iii) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands; and (iv) Native American or Alaskan native persons having origins in any of the original peoples of North America.

Subcontract

Shall mean an agreement providing for a total expenditure in excess of \$1,500 between a Contracting Party and any individual or business enterprise, for goods or services rendered in connection with any project or initiative funded in whole or in part with ESDC funds.

Women-owned Business Enterprise (“WBE”)

Shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is: (i) at least fifty-one percent (51%) owned by one or more citizens or permanent resident aliens who are women; (ii) an enterprise in which the ownership interest of such women is real, substantial and continuing; (iii) an enterprise in which such women ownership has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; (iv) an enterprise authorized to do business in the State of New York and is independently owned and operated; and (v) an enterprise certified by New York State as woman-owned.