

Pre-qualification Checklist

Is the business for-profit, located in New York State, and does it have 500 or fewer employees?

- Yes
- No

Has the business been in existence for at least three years by the date of this application?

- Yes
- No

Is the business licensed by the NYS Liquor Authority to produce distilled and/or fermented beverages?

- Yes
- No

Does the business export to foreign markets? Or, does the business plan to start exporting to foreign markets in the next year?

- Yes
- No

Does the business have a plan to utilize a zero-interest loan to increase export capacity?

This could include purchasing machinery and equipment, developing export marketing plans, website translation, product adaptation and market certification.

- Yes
- No

If you answered “Yes” to all five questions, you may qualify for a New York State Global NY Loan Fund. Please complete the following application. For Sections 2-5 and 8-9, you may include separate electronic documentation(s) with your response.



Application For

Financial Assistance

**New York State Global NY Loan Fund
Distilled and Fermented Beverage Export Loan Initiative**

State of New York
Andrew M. Cuomo, Governor

Empire State Development
Howard Zemsky, President & CEO

GENERAL INFORMATION

SECTION 1: DATA SHEET

A.	Project Name:
	Project Site:
B.	Applicant Organization
	Legal Name: D/B/A
	Street (Not P.O. Box):
	City: ZIP: County:
	Phone: Ext. Fax: e-mail:
	Contact Name and Title:
	Federal Taxpayer I.D./Charity Reg.# (Non-Profits Only): DUNS Number: NYS Unemployment Insurance Tax Number:
	Parent Company Name:
	Street (Not P.O. Box):
	City: ZIP: County:
C.	1. A. Form of Business
	<input type="checkbox"/> Sole Proprietorship
	<input type="checkbox"/> Limited Liability Company
	<input type="checkbox"/> Partnership
	<input type="checkbox"/> Subchapter S Corporation
	<input type="checkbox"/> Business Corporation
	<input type="checkbox"/> Not For Profit Corp. or Local Development Corp.
	<input type="checkbox"/> Industrial Development Agency, Municipality or Other Public Entity
	B. Is the Company:
	Minority-Owned <input type="checkbox"/> Yes <input type="checkbox"/> No
	Woman-Owned <input type="checkbox"/> Yes <input type="checkbox"/> No
	(For a Minority or Woman-owned Business, please attach a copy of your New York State certification letter.)
	2. Industry: Manufacturer: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Products:
	3. List all North American Industrial Classification (NAICS) numbers (4 digits) used to classify each type of the company's business activity:
	1. 2. 3. 4. 5.
	4. A. Is the company currently seeking any other New York State assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No
	B. Has the company ever applied for or received prior New York State funding? <input type="checkbox"/> Yes <input type="checkbox"/> No
	(If you answered "Yes" to either 4A or 4B, please describe each project, its date, purpose and location, the NYS funding requested/provided and from which agency funding was or is being sought.)

SECTION 2: OWNERSHIP STRUCTURE

- List the names of all corporate entities that own 50% or more of the applicant and all individuals that own 5% or more with their specific ownership stakes.
- Attach an organization chart.

SECTION 3: COMPANY, PRODUCT AND MARKET INFORMATION

Please provide a concise narrative describing the following. In response, you may reference and attach your business plan, annual report and other Company literature, if available.

- The Company's history.
- Number of employees.
- The Company's current operations, including its products, services and position within the industry; the market share for each major product or service.
- Major customers and approximate percent of Company's sales for each; the Company's primary competitors, their location and approximate share of the market; the Company's strengths and weaknesses in relation to the competition.
- Describe general market trends and specific opportunities the Company is targeting, e.g., market expansion, market retention, new markets.

SECTION 4: PROJECT ACTIVITIES

- A.** Describe the specific activities that will be undertaken and funded through the project. If the proposed project involves:
- the **acquisition of machinery and equipment**, describe the equipment, where it will be installed, indicate whether it is new or used, whether it will be purchased or leased, its cost, and its proposed uses to improve export capacity.
 - the **use of funds for market customization, product adaptation, marketing, or other**, describe the amount, what it will be utilized for, and how it will improve the business' export capacity.
- B.** Provide a time schedule for the project (e.g., consultant selection, draft report, design, site acquisition, construction start, equipment installation, project completion date).

SECTION 5: PROJECT RESULTS

- A.** Does the Company currently export distilled or fermented beverages internationally? If so, please describe quantities and methods (direct exportation versus use of a distribution company), and to where. Also, how does the Company plan to expand export capacity in the next 5 years as a result of potential funding? Provide projections if applicable.
- B.** If the Company does not currently export distilled or fermented beverages internationally, please describe plans to do so in the future and how potential funding will assist in the realization of these goals. Please be as specific as possible in terms of quantifying the amounts of exports, methods, and destinations. Provide projections if applicable .

SECTION 6: NON-DISCRIMINATION AND CONTRACTOR & SUPPLIER DIVERSITY

ESD's Non-Discrimination and Contractor & Supplier Diversity policy will apply to the project pursuant to New York State Executive Law Article 15-A and 5 NYCRR §§140-145. If the project is approved for funding, where applicable, the Recipient shall be required to use Good Faith Efforts to achieve Minority and Women-Owned Business Enterprise ("MWBE") participation goals, which will be established by ESD's Office of Contractor & Supplier Diversity.

Service-Disabled Veteran-Owned Businesses
Pursuant to New York State Executive Law Article 17-B and 9 NYCRR §§251.1-251.3, all projects awarded funding shall be reviewed by OCSD, which will, where applicable, set Service-Disabled Veteran-Owned Business ("SDVOB") Contract Goals. Such goals shall typically be included in the award letter or other contemporaneous communications from OCSD with respect to these requirements.

Where SDVOB Contract Goals have been established herein, pursuant to 9 NYCRR § 252.2, the Contractor must document "good faith efforts" to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract.

SECTION 7: PROJECT BUDGET

A. Complete the following Project Budget with as much detail as is currently available.

Machinery & Equipment Cost	Amount
Acquisition	\$
Installation /Freight Charges	\$
Miscellaneous (specify)	\$
Soft Costs	\$
Total Machinery & Equipment Cost	\$
Other Cost	
Working Capital (specify)	\$
Marketing Expenses	\$
Miscellaneous (specify)	\$
Total Other Cost	\$
Total Project Cost	\$

Financing Proposal

ESD Loan	\$	
Bank Loan (if applicable)	\$	
Equity (at least 10%)	\$	
Total	\$	100%

Attach commitment letters or letters of intent from each source of financing indicated (other than the Company).

SECTION 8: FINANCIAL INFORMATION SUBMISSION

- 3 years of historical financials. If most recent financials are over 180 days old, add the most recent interim statements.
- Financial statements should be audited or reviewed. If the statements are only compiled, they must be accompanied by signed Federal tax returns.
- Source of financial statements: Financial statements should be provided by the Parent company of the grantee (50% or greater ownership) unless the grantee prepares separate audited or reviewed financial statements or files separate tax returns from the Parent.
- Depending on the specifics of the application, ESD staff may require additional financial information.
- Provide an "Export Readiness Score" by completing the U.S. Department of Commerce's Export Assessment available on-line at <https://new.export.gov/export-readiness-assessment/login>

SECTION 9: ADDITIONAL COLLATERAL

- List additional collateral that may be available as security for ESD. Separate machinery & equipment. For each asset, specify cost, market value, existing liens and loan balances.

SECTION 10: ELIGIBILITY

1. Is business licensed by the NYS Liquor Authority to produce distilled and/or fermented beverages? Yes No
2. Is business located in New York State* and has it been in existence for at least three years by the date of this application? Yes No
3. Is business exporting internationally or planning to export internationally? Yes No
4. Does the business have 500 or fewer employees? Yes No

*51% of the value of finished product or service originates in New York

SECTION 11: ADVERSE INFORMATION

1. Is the Company presently the subject of any litigation, or is any litigation threatened, which would have a material adverse effect on the Company's financial condition? Yes No
2. Has the company or any of its affiliates ever been involved in bankruptcy, a creditor's rights or receivership proceeding, or sought protection from creditors? Yes No
3. Has the company ever settled a debt with a lending institution for less than the full amount outstanding? Yes No
4. Has any senior manager or principal of the Company ever been convicted or any felony or misdemeanor, other than a minor traffic violation, or are any such charges pending? Yes No
5. Has the Company or any of its affiliates, been cited for a violation of federal, State or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or operating practices? Yes No
6. Are there any outstanding judgments or liens pending against the Company other than liens in the normal course of business? Yes No
7. Is the Company delinquent on any New York State, federal or local tax obligations? Yes No

(NOTE: If your answer is "YES" for any of the above questions, please provide an explanation.)

SECTION 12: CERTIFICATIONS**A. Certification of Applicant and Recipient**

The undersigned does/do solemnly affirm that to the best of my/our knowledge, information and belief, all statements in this Application, including all schedules, appendices and additional information submitted in connection herewith, are true and accurate. I/we hereby authorize ESD to order credit reports or other financial background information on the Company, and any individual or entity proposed as a guarantor, as may be necessary to provide the assistance requested

Applicant Signature: _____ Date: _____

Print Name: _____ Title: _____

Beneficiary/Recipient Signature: _____ Date: _____

Print Name: _____ Title: _____

SECTION 13: DISCLOSURE & ACCOUNTABILITY CERTIFICATIONS**A. No Conflict of Interest**

Except as otherwise fully disclosed herein and accepted by the parties hereto, the Recipient affirms under penalty of perjury that neither the Sponsoring Member(s) nor any Related Parties to Sponsoring Member(s) has any financial interest, direct or indirect, in the Recipient or in any of the Recipient's equity owners, or has received or will receive any financial benefit, either directly or indirectly, from the Recipient or its Related Parties.

B. Good Standing

Except as otherwise fully disclosed herein and accepted by the parties hereto, the Recipient affirms under penalty of perjury that:

- (A) At no time during the past five years has the Recipient or any of the Recipient's affiliates, principal owners or officers:
- (1) been debarred from entering into any government contract;
 - (2) been found non-responsible on any government contract;
 - (3) been declared in default and/or terminated for cause of any government contract;
 - (4) been determined to be ineligible to bid or propose on any contract;
 - (5) been suspended from bidding or entering into any government contract;
 - (6) received an overall unsatisfactory performance rating from any government agency on any contract;
 - (7) been subject to any judgments, injunctions or liens including but not limited to, judgments based on taxes owed, fines and penalties assessed by any governmental agency, or elected official against Recipient;
 - (8) been investigated by any governmental agency including, but not limited to, federal, state and local regulatory agencies;
 - (9) been convicted of a misdemeanor and/or found in violation of any administrative, statutory or regulatory provisions;
 - (10) been the subject of any felony, misdemeanor, or administrative charges;
 - (11) been subject to any sanctions imposed as a result of judicial or administrative disciplinary proceedings;
 - (12) failed to file any federal, state or city tax returns;
 - (13) (to the extent the entity is a charity or not-for-profit organization) failed to file and all required forms with any government entity regulating the entity;
 - (14) received a grant of immunity for any business-related conduct constituting a crime under local, State or Federal law;
 - (15) agreed to a voluntary exclusion from bidding/contracting;
 - (16) received a violation of State Labor Law deemed willful;
 - (17) received a denial, decertification, revocation or forfeiture of Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise status;
 - (18) received a rejection of a low bid on a local, State or Federal contract for failure to meet statutory affirmative action or M/WBE requirements on a previously held contract;
 - (19) received a consent order with the New York State Department of Environmental Conservation or a Federal, State or local government enforcement determination involving a violation of Federal, State or local government laws; or
 - (20) received an occupational Safety and Health Act citation and Notification of Penalty containing a violation classified as serious or willful;
- (B) At no time within the last seven years has the Recipient or any of the Recipient's affiliates, principal owners or officers been involved in any bankruptcy proceeding (whether or not closed);
- (C) At no time within the last ten years has the Recipient or any of the Recipient's Affiliates, principal owners or officers been convicted of a felony, and/or any crime related to truthfulness and/or business conduct; and
- (D) That neither the Recipient nor any of the Recipient's Related Parties paid any third party or agent, either directly or indirectly, to aid in the securing of this Agreement.

C. Funds Used Solely for Public Purpose

The Recipient affirms under penalty of perjury that all funds to be expended pursuant to the terms of a grant to be awarded in accordance with the terms of the accompanying application are to be used solely and directly for the public purpose or public purposes specified in the accompanying application. The Recipient further swears and affirms that all such funds will be used solely in the manner described in the application.

D. Definitions

As used herein in this Exhibit:

- (1) "Affiliate" means any person or entity that directly or indirectly controls or is controlled by or is under common control or ownership with the specified party.
- (2) "Recipient" means the party or parties designated to receive funds pursuant to a Member Initiative Form, or their employees and Affiliates.
- (3) "Related Party" means: (i) the party's spouse, (ii) natural or adopted descendants of the party or of the spouse, (iii) any sibling of the party or of the spouse, (iv) the son-in-law, daughter-in-law, brother-in-law, sister-in-law, father-in-law, or mother-in-law of any of the foregoing, (v) any person sharing the home of any of the foregoing, (vi) any staff member, employee, director, officer or agent of the party, and (vii) Affiliates or subcontractors of the party.
- (4) "Sponsoring Member(s)" means the sponsoring Assemblyman or State Senator as identified by the Member Initiative Form and listed herein, or in the event no such specific Assemblyman or Senator is identified on the Member Initiative Form, it shall be the local Assemblyman and State Senator as listed herein. In addition, "Sponsoring Member(s)" shall include the Governor when appropriate as listed herein.

E. Disclosure (use additional sheets, if necessary; if "none", please so indicate below)

(A) Conflict of Interest

(B) Good Standing

The undersigned: recognizes that this Certification is submitted for the express purpose of assisting the State of New York or its agencies and political subdivisions to make a determination regarding the award of a contract or approval of a subcontract; acknowledges that the State of New York or its agencies and political subdivisions may in its discretion, by means which it chooses, verify the truth and accuracy of all statements made herein; acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law Section 210.40 or a misdemeanor under Penal Law Section 210.45, and may also be punishable by a fine or up to \$10,000 or imprisonment of up to five years under 18 U.S.C. Section 1001; and states that the information submitted in this Certification and any attached pages is true, accurate and complete.

Name of Recipient

Signature of Officer/Date

Address

Typed Copy of Signature

City, State, Zip

Title

Sworn to before me this

_____ day of _____, 20_____

Notary Public