

CLIFTON PARK IDA Spec Project Anti-Pirating Policy

The intent of all IDA projects is generally to create new jobs for the Town and County. It is never the intention of the Agency to allow Applicants to solicit businesses to be tenants of a project at the expense of another area of the Town, County, Region or State, without compelling reasons to relocate to the project site.

When a "Spec" project is considered and approved the IDA does so without knowledge of the ultimate tenant(s). It is therefore incumbent upon the Applicant and the IDA together to carefully consider each tenant to ensure they are creating new jobs at the project site and not simply relocating businesses and jobs without compelling reason.

Prior to a tenant locating at the project site the IDA will require the following:

- Review of each Lease
- Signed Statement from the proposed tenant to include:
 - Description of business
 - Present headquarters and operating location(s)
 - Description of present NYS locations & discussion of why it/they are not sufficient
 - Description of the proposed local operation
 - Discussion of site selection process and alternative locations considered

The information will be submitted to the IDA confidentially and will be promptly to determine that it meets the anti-pirating test.

If the tenant will be establishing an initial NYS location or if the location represents an expansion of company facilities within the state with no reduction of employment elsewhere in NY the tenant will be approved.

If the tenant will be relocating from within the state and abandoning other NYS facilities they must provide a Statement of compelling reason(s) to relocate to the project site from another area of the Town, County, Region or State to include discussion of out-of-state options (if any), factors concerning their competitive position, and options explored with regional economic development officials in the area being abandoned.

If a proposed tenant does not meet the anti-pirating test the Applicant will be so notified and that Tenant will not be qualified to locate at the project site. Information received by the IDA will be retained by the IDA.

If a tenant is located at the project site without review and is subsequently found to be unqualified or after being disqualified through the above procedure IDA benefits will immediately cease and benefits already received will be immediately reimbursable.

Administrative Procedure:

Review by CEO & Chairman, with assistance of SEDC if requested, and letter to Applicant of approval or denial.