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2025 REQUEST FOR PROPOSALS

CENTERS FOR ADVANCED TECHNOLOGY (CAT) PROGRAM

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I. Program Overview and Requirements

A. Program Goals and Objectives

Empire State Development (ESD) anticipates designating ten Centers for Advanced Technology (CAT or “Center”) under this RFP. The CAT program is designed to spur technology-based applied research and economic growth in New York; encourage applied research collaboration and innovation with industry; promote workforce development; better leverage State funds with investments from the federal government, industry, foundations and not-for-profit economic development organizations; and increase the competitiveness of New York State companies over the Center’s ten-year designation period.

The designee must use ESD funds to enhance its resources in a specific Technology Focus (refer to Section I.G. of this RFP) to help New York State companies remain competitive and solve production, applied research and development, and technical problems. To ensure the CAT’s resources are invested in areas with the greatest commercial relevance to industry, the CAT must create an Industrial Advisory Board that includes representatives from companies operating within the proposal’s Technology Focus.

Specifically, the CAT is expected to develop industry-responsive programs with three general objectives:

1. **Collaborative applied research and technology transfer with industry representatives:** The CAT is expected to conduct applied research and technology transfer with industry representatives, leading to quantifiable economic impact in New York State, especially at small New York State companies. This must occur within one to three years of individual project commencement and continue throughout the designation period. The CAT is also expected to help foster an environment that encourages companies to locate in New York.
2. **Industry-oriented education and training:** The CAT is expected to help incumbent workers expand their skill sets through short courses, seminars and workshops and to provide industry-driven research assistant opportunities for students. CATs are expected to aid in the development of undergraduate and graduate courses in their Center’s Technology Focus to help ensure students are trained to meet the needs of industry. CATs are **not permitted** to offer or deliver college courses for credit nor include such tuition as matching funds.
3. **Outreach and networking through referral networks:** The CAT is expected to partner with other appropriate organizations to develop outreach networks and ensure that companies receive access to required non-research assistance such as general business consulting. Applicants must demonstrate that the relationship with a partner organization enhances and advances the CAT’s ability to aid economic growth in New York State. (Refer to Appendix A in the RFP for definition and examples of partner organizations.) Additionally, each CAT is expected to partner with other organizations within the same technology focus area and across technology platforms as appropriate.

The CAT shall also collaborate with ESD and other economic development organizations to promote the growth and development of industries in New York State based upon or benefiting from the area of technology involved. ESD's investment in CATs is designed to significantly expand its resources so it is better positioned to contribute to economic growth in New York State and assist industry in becoming more competitive. Allowable uses of ESD funds are presented in Section I.F., and are expected to include substantial investments in state-of-the-art equipment and in each CAT's business outreach capabilities.

The CAT program is governed by Section 3102-b of the Public Authorities Law. **Contractors will be bound by and responsible for complying with current laws and regulations and with any and all future statutory or regulatory changes relating to the CAT program.**

B. Designation Period, Contract Period, and Anticipated Funding

All proposals should reflect ESD funding in the amount of up to \$903,954 per year. Up to ten awards may be made in this competition. The institutions awarded a CAT designation under this competition shall be designated for a period of up to ten years, provided the CAT's performance is deemed satisfactory by ESD at each annual evaluation. The contract is anticipated to commence on July 1, 2025. The CAT will be eligible to receive **up to \$903,954** annually, subject to the availability of State funds, to support those allowable activities described in Section I.F. **Proposals submitted for greater than \$903,954 in annual ESD support will be rejected without review. If funding availability increases or decreases during the designation period, ESD will work with designees to adjust budgets accordingly.**

1. In the event a new Center is selected in this designation process, ESD shall provide up to \$500,000 in funding for reimbursable expenses (or 55.31% of the individual CAT allocation if funding levels change) that will be used as ramp up funds during the first contract year. In contract year two and thereafter, the newly designated CAT will be eligible to seek reimbursement for the full individual CAT funding level.
2. And, in the event that a currently designated Center is not selected for an additional term in this designation process, ESD shall provide up to \$403,954 (or 44.69% of the individual CAT allocation if funding levels change) in reimbursement ramp down funds to enable the completion of industry project(s) or other obligations with ESD approval.

The amount of ESD funds reimbursed to the award recipient will be based on the amount of eligible matching funds expended (see Section 1.E.). ESD reserves the right to adjust the amount of an award recipient's funding based upon the availability of State funds, the CAT's economic impact performance including assistance to small New York State companies, and the CAT's ability to meet the matching funds requirements.

C. Vendor Registration and Prequalification

Minimum Eligibility:

- Prequalification is required for all not-for-profit organizations seeking grant funding from New York State.

1. Vendor Registration and Prequalification for Not-for-Profits:

Not-for-profit organizations must **Register** as a vendor the Statewide Financial System and successfully **Prequalify** to be considered for an award.

(Select One Below. Choose the first bullet for Bid Events to be conducted in SFS. Choose the second bullet for Bid Events taking place outside of SFS with prequalification required.)

- a. This grant opportunity is being conducted as a SFS bid event. Not-for-profit vendors that are not prequalified can initiate and complete bid responses. However, not-for-profit vendors that are not prequalified will NOT be allowed to submit their bid response for consideration.
- b. Not-for-profit vendors must be prequalified in SFS on the date and time applications in response to this Request for Applications (RFA) are due as specified in the “Key Dates” set forth on the Cover Page of this RFA. Applications received from not-for-profit vendors that do not meet the above requirement will not be considered.

Information on [Registration](#) and [Prequalification](#) are available on the Grants Management Website. A high-level synopsis is provided below.

2. Registering as an SFS vendor

To register an organization, send a complete [Grants Management Registration Form for Statewide Financial System \(SFS\) Vendors](#) and accompanying documentation where required by email to grantsreform@its.ny.gov. You will be provided with a Username and Password allowing you to access SFS.

Note: New York State Grants Management reserves 5-10 business days from the receipt of complete materials to process a registration request. Due to the length of time this process could take to complete, it is advised that new registrants send in their registration form as soon as possible. Failure to register early enough may prevent potential applicants from being able to complete a grant application on time.

If you have previously registered and do not know your Username, please contact the SFS Help Desk at (855) 233-8363 or at Helpdesk@sfs.ny.gov. If you do not know your Password, please click the [SFS Vendor Forgot Password](#) link from the main log in page and follow the prompts.

3. Prequalifying in SFS

- Log into the SFS Vendor Portal.
- Click on the Grants Management tile.
- Click on the Prequalification Application tile. The Prequalification Welcome Page is displayed. Review the instructions and basic information provided onscreen.

Note - If either of the above referenced tiles are not viewable, you may be experiencing a role issue. Contact your organization’s Delegated Administrator and request the Prequalification Processor role.

- Select the Initiate a Prequalification Application radio button and click the Next button to begin the process. Starting with **Organization Information**, move through the steps listed on the left side of the screen to upload **Required Documents**, provide **Contacts** and **Submit** your Prequalification Application.

Note - If the Initiate a Prequalification Application radio button is not available, your organization may have already started a prequalification application and could even be prequalified. Click on the Version History Link to review your organization's prequalification status. If you are not currently prequalified, or your prequalification expires prior to the due date of this RFA, you will need to choose Collaborate on or Update your application.

- System generated email notifications will be sent to the contact(s) listed in the **Contacts** section when the prequalification application is Submitted, Approved, or returned by the State for more information. If additional information is requested, be certain to respond timely and resubmit your application accordingly.

Note: New York State reserves 5-10 business days from the receipt of complete Prequalification applications to conduct its review. If supplementary information or updates are required, review times will be longer. Due to the length of time this process could take to complete, it is advised that nonprofits Prequalify as soon as possible. Failure to successfully complete the Prequalification process early enough may result in a grant application being disqualified.

4. Getting Help:

- Specific questions about SFS should be referred to the SFS Help Desk at helpdesk@sfs.ny.gov.

D. Eligibility and Program Requirements

For purposes of this RFP:

A **university** is defined as an institution of higher education that grants doctoral degrees in the research field(s) related to the Technology Focus identified in the proposal.

A **university-affiliated research institute** is defined as a not-for-profit corporation closely affiliated with a specific university, and only one university, whose primary purpose as defined by its articles of incorporation is to support, supplement, and/or extend basic and applied research, development and technology transfer in one or more technological areas of the university with which it is affiliated.

1. Eligible Institutions:

A "university," "university-affiliated research institute," or a lead institute for a consortium thereof that meets each of the following criteria is eligible to apply:

- a. maintains at least one on-site doctoral program in the research field(s) related to the proposal's Technology Focus; and,
- b. demonstrates its ability to meet the matching funds requirements described in Section I.E. of this RFP.

2. Limitations:

- A university or its university-affiliated research institute may submit **up to two proposals** for which it is the single applicant or lead institution of a consortium.
- No university or its university-affiliated research institute, or consortia thereof, may host more than two CATs.

E. Matching Funds Requirements

The requirement for matching funds serves two purposes: It serves as an indicator of industry support and economic impact potential; and, it expands the applied research capacity of each CAT. ESD expects that a successful CAT's outreach efforts will extend beyond New York State to attract funds from non-New York State companies into the State and help to foster an environment that encourages these companies to expand and/or relocate within New York.

The statute authorizing the CAT program currently establishes minimum matching funds requirements. Matching requirements are as follows:

- In the first through fifth year of initial designation, 100 percent;
- in the sixth year, 100 percent for the first \$750,000 and 120 percent there above;
- in the seventh year, 100 percent for the first \$750,000 and 140 percent there above;
- in the eighth year, 100 percent for the first \$750,000 and 160 percent there above;
- in the ninth year, 100 percent for the first \$750,000 and 180 percent there above; and
- in the tenth year, and each year thereafter if a CAT is re-designated, 100 percent for the first \$750,000 and 200 percent there above.

There are two general categories of eligible matching funds with specific thresholds and limits that must be met:

1. New York State Company Cash: Cash provided to the CAT by New York State companies (as defined in Appendix A) to support the CAT's ESD-approved activities must constitute at **least 50 percent** of the total required matching funds. Small New York State company cash will be credited at a 2:1 ratio (\$2 match credit for every \$1 of small New York State company cash).
2. Other Sources of Support: **Up to 50 percent** of the total required matching funds may be from this category and may include:
 - **Cash from non-New York State companies**: *Cash provided to the CAT from an entity not meeting the definition of a New York State company (as defined in Appendix A) including non-New York State companies and not-for-profit organizations in support of the CAT's ESD-approved activities.*
 - **Federal cash**: Cash provided by a federal *agency to support a project conducted with a specific company or companies where the company and the principal CAT faculty*

member(s) are identified in the proposal. In addition, the project must be conducted within the CAT under the guidance of the CAT director.

- **Applicant support:** Salaries and fringe benefit costs paid by the Applicant, not ***reimbursed by other New York State government sources, for the portion of time CAT research faculty, graduate or undergraduate students, and/or dedicated staff work on CAT activities. Dedicated staff is defined as CAT management, business outreach, and/or support staff who spend at least 25 percent of his or her time on CAT activities. Dedicated staff does not include shared services of institutional staff that work on general contract activities and whose services are designed to be recovered under the institution's indirect cost rate.***
- **Donated equipment and unique materials:** The fair market value of new or pre-owned equipment donated to the CAT for unrestricted use in furtherance of its mission. Title must transfer to the CAT and the equipment's value must be confirmed by the chief financial officer (or equivalent) of the donating entity with accompanying documentation. With prior written ESD approval, such equipment or material may be counted as eligible matching funds. Donated material and/or supplies cannot be a company partner's sole support of a CAT project.

Limitations and Exceptions:

- No other New York State government funds are eligible for use as matching funds for this program. This prohibition does not restrict an individual campus or university-affiliated research institute of the State University of New York or City University of New York systems from providing a portion of its operating funds to the CAT for use as applicant support.
- No funds used as matching funds in any other ESD program are eligible for use as matching funds in the CAT program.
- Matching funds contributions must be provided in return for, and be traceable to, allowable CAT objectives as defined in Section I.A.
- The CAT is not permitted to deliver credit-bearing college courses nor include such tuition as matching funds.
- Indirect costs are limited to 25 percent of direct personnel costs (salaries plus fringe benefits) on matching funds that will be recognized under the CAT program.

F. Activities to Be Supported With ESD Funds

1. General Provisions:

The purpose of ESD's investment in the CATs is to enhance its ability to contribute to economic growth in New York State. ESD funds may only be used to support collaborative applied research with industry and industry-oriented education and training as defined in Section I.A.

The best available price for the type and quality of products or services required must be sought for any ESD-funded expenditure. The applicant must retain documentation to support the solicitation process and/or choice of vendor for ESD expenses at an established threshold. Applicants procuring services must follow [New York State's Competitive Bid Requirements](#)

(<http://www.osc.state.ny.us/localgov/pubs/lgmg/seekingcompetition.pdf>). In pursuit of the specific goals and objectives of the CAT program, allowable uses of ESD funds include:

- Employment of faculty and support staff;
- Employment of a person, preferably with business and/or sales and marketing background experience, to be responsible for the CAT's business development on a full-time basis;
- Employment of graduate and undergraduate students, including fellowships;
- Purchase of equipment and/or fixtures;
- Purchase of materials and supplies;
- Travel to a company location for project-related activities, travel by the business development staff or CAT director for outreach activities, or travel to an ESD meeting or CAT-hosted event;
- Services subcontracted to not-for-profit partner organizations to assist the CAT in conducting the activities outlined in its proposal; and
- Other purposes explicitly approved by ESD **prior** to being incurred.

2. Limitations/Prohibitions:

- Indirect costs are limited to 15 percent of direct personnel costs (salaries plus fringe benefits) on ESD funds that will be recognized under the CAT program.
- Aside from providing for general allowable operating needs of the CAT such as equipment and supply purchases, travel, etc., ESD funds cannot be provided to any for-profit organization.
- No ESD funds may be used for capital construction, rehabilitation, or renovation.
- No ESD funds may be expended on basic research.
- No ESD funds may be expended on salaries for university faculty, staff or administration that have a vested and/or financial interest in any company benefiting from an applied research contract with the CAT. Conflict of interest statements will be required by CAT employees after designations are awarded and prior to establishing contracts under this program.
- The total ESD funds that may be expended per year on project cost sharing, defined as direct research costs (e.g., research faculty, graduate students, lab supplies, etc.) incurred on a project with a specific company, will be determined by ESD on an annual basis. Project cost sharing with small New York State companies is expected.

G. Technology Focus

For this RFP, ESD has identified seven Technology Foci that hold significant potential for expanding the New York State economy. Specific application areas of each of the Technology Foci for which ESD will consider proposals are defined below. **Proposals submitted in a Technology Focus other than one of these seven will be rejected without review.** Select the Technology Focus that is most representative of the applied research that will be conducted by the CAT. The Technology Foci descriptions are not meant to be limiting; applicants are

encouraged to demonstrate which elements they would concentrate on and other related areas of research which would leverage their institutions' expertise and result in economically beneficial academic-industry R&D.

1. Artificial Intelligence, Machine Learning, Data Science, Cybersecurity and telecommunications: Those areas including but not limited to data mining, cognitive computing, quantum computing, neural networks, generative AI, augmented and virtual reality, high-speed and secure telecommunications, big data, cyber-security and wireless telecommunications;

2. Life sciences, enabling sciences: Those areas related to the study, application, and enhancement of living organisms and vital processes, and those areas that may be directly applied to life science research, including, but not limited to, medical devices and therapeutics, nutritional, next generation genomics and biological based products;

3. Nanotechnology: Those areas designed to produce physical, chemical, and biological systems at the molecular level, atom by atom, leading to the formation of products and applications with novel properties, unique performance, and innovative functions;

4. Semiconductors and microelectronics: Those areas related to the development and production of microelectromechanical systems (MEMS) and microelectronic, optoelectronic, bioelectronic, and other related systems and components;

5. Photonics and imaging science systems: Those areas related to the development of products and processes using light-enabled technologies;

6. Energy systems: Those areas related to the development of new, clean and renewable energy systems including solar, wind, hydroelectric, hydrogen, geothermal, modular nuclear, energy storage and other systems as well as the conservation and refinement of existing systems; or

7. Advanced Manufacturing: Those areas related to the development of application algorithms and systems for the automation of manufacturing processes and for the design of automated products, including but not limited to such areas as optomechatronic systems, alternative energy systems manufacturing, distributed systems, additive (3D) manufacturing, advanced robotics, biomedical systems and micro- and nanosystems

The CAT must be organized to address the needs of industry within its identified Technology Focus leading to the attraction and expansion of businesses within New York. As explained in Section V (Appendices), the applicant must specifically identify industries that will benefit from the CAT's work, demonstrate knowledge of companies' needs within the industry, and explain how a collaborative academic-industry partnership can address these needs and promote economic development in New York.

H. Reporting and Monitoring Requirements

The award recipient is expected to:

- Maintain an accounting system in accordance with generally accepted accounting principles (GAAP) that identifies all expenditures and revenues for activities supported by ESD and matching funds. All expenses must be auditable to their original source, and supporting documentation in conformance with GAAP must be maintained by the award recipient.
- Implement a project management system that allows for tracking the status of all projects and gathering economic impacts resulting from the CAT's assistance to New York State companies. ESD requires award recipients to report on New York State company and applicant impacts (delineated below) according to a format and standards established by ESD.

New York State Company Impacts:

The impact must result from the CAT's collaborative research with and/or industry-oriented education and training for a company, and must be substantiated by documentation (e.g., a signed letter from an executive officer of the company). ESD requires a "cause and effect" relationship that reasonably correlates the CAT's work to the impacts reported. Impacts that must be captured and tracked include:

- Jobs created and jobs retained. In the case of retained jobs, ESD requires documentation demonstrating that the jobs were at risk in order to assess crediting the economic impact. Multiple categories will be used to track types of jobs such as management, scientific/engineering, administrative, and manufacturing;
- Increased company revenues;
- Cost savings (such as production savings);
- Government funds acquired (e.g., Small Business Innovation Research [SBIR] or Small Business Technology Transfer [STTR] funds);
- Non-government funds (e.g. venture capital) acquired;
- Capital improvements (purchases of new equipment or construction/rehabilitation of facilities at the company); and,
- New companies created.

Applicant Impacts:

The economic impact must relate to and result from the CAT's activities and be substantiated by third party documentation. Impacts that must be captured and tracked include:

- Grants secured by CAT faculty for research conducted within the CAT under the guidance of the CAT director (e.g., federal, private foundation);
- Income generated by licensing CAT-created intellectual property;
- Invention disclosures, patent applications, and patents awarded for CAT-created technologies;
- Companies created as a result of the CAT's work; and
- Number of students who serve as research assistants on CAT projects and are subsequently employed within New York State (expected to be tracked in conjunction with the applicant's placement office).

The award recipient will be required to submit an annual investment request update describing

the intended use of ESD and matching funds as well as semi-annual progress and financial reports simultaneously to ESD in accordance with the contract reporting schedule. ESD will provide guidelines explaining the requirements of these reports to the award recipient.

I. Sample Contract

A sample contract is attached. Terms and conditions of an executed contract may vary.

J. Non-Discrimination and Contractor & Supplier Diversity Requirements

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations ESD is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of ESD contracts.

Business Participation Opportunities for MWBEs

ESD has an agency-wide overall goal of 30% for MWBE participation, 15% for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and 15% for New York State-certified Women-owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). For purposes of this solicitation, ESD strongly encourages and expects the respondents to consider MWBEs in the fulfillment of the requirements of the Contract. ESD may establish a goal based on the scope of work and project description identified in the RFP response. Unless clearly identified, all reporting requirements below are only applicable if MWBE goals are assessed and established for this project.

A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that ESD may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how ESD will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to

have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of contract and ESD may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Office of Contractor and Supplier Diversity ("OCSD") at OCSD@esd.ny.gov.

Additionally, a respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to ESD for review and approval.

ESD will review the submitted MWBE Utilization Plan and advise the respondent of ESD acceptance or issue a notice of deficiency within 30 days of receipt.

- B. If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to OCSD at OCSD@esd.ny.gov, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

ESD may disqualify a respondent as being non-responsive under the following circumstances:

- a) If a respondent fails to submit an MWBE Utilization Plan;
- b) If a respondent fails to submit a written remedy to a notice of deficiency;
- c) If a respondent fails to submit a request for waiver; or
- d) If ESD determines that the respondent has failed to document good faith efforts.

The successful respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to ESD, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful respondent will be required to submit a quarterly MWBE Contractor Compliance & Payment Report to ESD, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the

Contract.

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions **[SCHEDULE B - PARTICIPATION BY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES: REQUIREMENTS AND PROCEDURES](#)**. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, OCSD-1, to ESD with its bid or proposal.

If awarded a Contract, respondent, regardless of whether a goal is established, shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by ESD on a quarterly basis during the term of the Contract.

Pursuant to Executive Order #162, contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the Workforce Utilization Report on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

The required forms can be found at the following web addresses:

Form OCSD-1: <https://esd.ny.gov/sites/default/files/OCSD-1-Policy-Statement.pdf>

Form OCSD-2: <https://esd.ny.gov/sites/default/files/media/document/OCSD-2-Staffing-Plan-07-16-24.pdf>

Form OCSD-3:

<https://esd.ny.gov/sites/default/files/media/document/OCSD-3-Workforce-Utilization-Report-070124.xlsx>

Form OCSD-4: <https://esd.ny.gov/sites/default/files/OCSD-4%20Utilization%20Plan.pdf>

Form OCSD-5: <https://esd.ny.gov/sites/default/files/media/document/OCSD-5-Waiver-Request-Form-073124.pdf>

Form OCSD-6: <https://esd.ny.gov/sites/default/files/media/document/OCSD-6-Compliance-Report-073124.pdf>

In the event that the above links are unavailable or inactive, the forms may also be requested from OCSD at OCSD@esd.ny.gov.

Diversity Practices

ESD has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of Bidders is practical, feasible, and appropriate. Accordingly, Bidders shall be required to include as part of their response to this procurement the Diversity Practices Questionnaire (See Appendix B).

PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN OWNED BUSINESSES

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOB”), thereby further integrating such businesses into New York State’s economy. ESD recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of ESD contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

Contract Goals

- A. ESD has an agency-wide an overall goal of 6% for SDVOB participation. For purposes of this solicitation, ESD strongly encourages and expects the respondents to consider SDVOBs in the fulfillment of the requirements of the Contract. ESD may establish a goal based on the scope of work and project description identified in the RFP response. Unless clearly identified, all reporting requirements below are only applicable if an SDVOB goal is assessed and established for this project. For purposes of providing meaningful participation by SDVOBs, the Bidder/Contractor should reference the directory of New York State Certified SDVOBs found at: http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf. Questions regarding compliance with SDVOB participation goals should be directed to the Designated Contacts. Additionally, following Contract execution, Contractor is encouraged to contact the Office of General Services’ Division of Service-Disabled Veterans’ Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss additional methods of maximizing participation by SDVOBs on the Contract.
- B. Contractor must document “good faith efforts” to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract.

SDVOB Utilization Plan

- A. In accordance with 9 NYCRR § 252.2(i), Bidders are required to submit a completed SDVOB Utilization Plan on Form OCSD-4.
- B. The Utilization Plan shall list the SDVOBs that the Bidder intends to use to perform the Contract, a description of the work that the Bidder intends the SDVOB to perform to meet the goals on the Contract, the estimated dollar amounts to be paid to an SDVOB, or, if not known, an estimate of the percentage of Contract work the SDVOB will perform. By signing the Utilization Plan, the Bidder acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOBs after the Contract award and during the term of the Contract must be reported on a revised SDVOB Utilization Plan and submitted to ESD.
- C. ESD will review the submitted SDVOB Utilization Plan and advise the Bidder/Contractor of ESD acceptance or issue a notice of deficiency within 20 days of receipt.
- D. If a notice of deficiency is issued, Bidder/Contractor agrees that it shall respond to the notice of deficiency, within seven business days of receipt, by submitting to ESD a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the Bidder/Contractor and direct the Bidder/Contractor to submit, within five business days of notification by ESD, a request for a partial or total waiver of SDVOB participation goals on OCSD-5. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.
- E. ESD may disqualify a Bidder's bid or proposal as being non-responsive under the following circumstances:
 - (a) If a Bidder fails to submit an SDVOB Utilization Plan;
 - (b) If a Bidder fails to submit a written remedy to a notice of deficiency;
 - (c) If a Bidder fails to submit a request for waiver; or
 - (d) If ESD determines that the Bidder has failed to document good faith efforts.
- F. If awarded a Contract, Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Contract pursuant to the prescribed SDVOB contract goals set forth above.
- G. Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, ESD shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

Request for Waiver

- A. Prior to submission of a request for a partial or total waiver, Bidder/Contractor shall speak to the Designated Contacts at ESD for guidance.

- B. In accordance with 9 NYCRR § 252.2(m), a Bidder/Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in clause IV below, may submit a request for a partial or total waiver on Form OCSD-5, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by ESD at that time, the provisions of clauses II (C), (D) & (E) will apply. If the documentation included with the Bidder's/Contractor's waiver request is complete, ESD shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.
- C. Contractor shall attempt to utilize, in good faith, the SDVOBs identified within its SDVOB Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract award may be made at any time during the term of the Contract to ESD, but must be made no later than prior to the submission of a request for final payment on the Contract.
- D. If ESD, upon review of the SDVOB Utilization Plan and Monthly SDVOB Compliance Report (OCSD-6) determines that Contractor is failing or refusing to comply with the contract goals and no waiver has been issued in regards to such non-compliance, ESD may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals.

Waiver requests should be sent to OCSD.

Required Good Faith Efforts

In accordance with 9 NYCRR § 252.2(n), Contractors must document their good faith efforts toward utilizing SDVOBs on the Contract. Evidence of required good faith efforts shall include, but not be limited to, the following:

- (1) Copies of solicitations to SDVOBs and any responses thereto.
- (2) Explanation of the specific reasons each SDVOB that responded to Bidders/Contractors' solicitation was not selected.
- (3) Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by ESD with certified SDVOBs whom ESD determined were capable of fulfilling the SDVOB goals set in the Contract.
- (4) Information describing the specific steps undertaken to reasonably structure the Contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs.
- (5) Other information deemed relevant to the waiver request.

Monthly SDVOB Contractor Compliance Report

In accordance with 9 NYCRR § 252.2(q), Contractor is required to report Monthly SDVOB Contractor Compliance to ESD during the term of the Contract for the preceding month's activity, documenting progress made towards achieving the Contract SDVOB goals. This information must be submitted using form OCSD-6 available on the ESD website and should be completed

by the Contractor and submitted to ESD, by the 10th day of each month during the term of the Contract, for the preceding month's activity to: OCSD@esd.ny.gov.

Breach of Contract and Damages

In accordance with 9 NYCRR § 252.2(s), any Contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the Contract, shall be found to have breached the contract and Contractor shall pay damages as set forth therein.

II. Submission Information

A. Timetable

2024 Competition Timetable	
Written questions on proposals accepted through	November 8, 2024; 5:00 p.m.
Proposals received by ESD	December 31, 2024; 2:00 p.m. January 31, 2025 by 2:00 p.m.
Contract start date	July 1, 2025

B. Questions on the RFP

All questions must be submitted in writing via email to rfpfaq@esd.ny.gov with **“Centers for Advanced Technology Program”** in the subject line. **Please do not contact ESD by telephone.** Questions must be received by ESD no later than **November 8, 2024, 5:00 p.m.** All inquiries must cite the particular RFP section in question. All questions and answers will be uploaded to the NYS Contract Reporter and emailed to all known inquirers and recipients of the RFP.

C. Submission Instructions

Proposals must be electronically submitted by email, with all required attachments to rfpinfo@esd.ny.gov with **“Centers for Advanced Technology- *applicant name*”** in the subject line no later than **2:00 p.m. U.S. Eastern Standard Time, on ~~December 31, 2024~~ January 31, 2025**. Late proposals will not be accepted. Applicants will be unable to make changes to a submitted application after the deadline has passed.

D. Proprietary Information

Some information contained in a proposal may be considered sensitive and the applicant institution may wish it not to be disclosed if possible. If this is the case, the applicant institution must identify the information it wishes to protect and request that it be protected.

ESD will take efforts to safeguard proprietary, confidential and sensitive information as allowed under the law, including the Freedom of Information Law (FOIL) (see Article 6 of the Public Officers Law). However, all information will be made available to those who are conducting the review of the proposals.

To request confidential treatment of any portions of a proposal, an applicant institution must

submit a letter with the proposal as Appendix 5 specifically identifying the sensitive information and reasons it should be protected. The applicant institution must identify the information with a CONFIDENTIAL, PROPRIETARY or SENSITIVE stamp in the margin of each paragraph containing proprietary information and check the appropriate box on the cover page. An entire proposal cannot be excepted; only the paragraphs that contain confidential proprietary information.

III. Proposal Components

Applicant institutions are to ensure that proposals have been thoroughly reviewed for clarity and professional presentation. If proposals exceed the page limits and/or include materials not requested by the RFP, ESD will remove the extra pages and/or materials prior to the review. During the review process, applicant institutions may be requested to submit additional written documents to answer questions or provide clarification of issues raised during the review process.

Assemble the proposal in the following order:

A. Proposal Cover Page, Checklist, and Certification(s)

Complete the proposal cover page, checklist and certification(s) as indicated on the template (see Appendix B to the RFP; all three forms are contained in one electronic document entitled “Proposal Cover Page, Checklist, and Certification”).

B. Table of Contents

A table of contents must be included delineating all major headings, sub-headings, and required appendices.

C. Glossary of Terms Used

Include an alphabetized glossary of technical terms and acronyms used in the proposal along with a **brief** definition of each item. **Include this glossary after the table of contents.**

D. Executive Summary (Maximum of 1 Page)

Include a non-proprietary executive summary, prepared in layman’s terms, that sets forth a self-contained description of the activities and benefits that would result if the proposal were funded. This summary is **not to be** an abstract of information contained verbatim in the proposal narrative. The summary is to be written in the third person and include a statement of objectives and methods to be employed by the CAT. Clearly address in separate statements within this summary: (1) the intellectual merit of the proposed activities including areas of applied research within the identified Technology Focus that the CAT will pursue and physical and intellectual resources that the CAT will draw upon; and (2) the CAT’s potential for creating new businesses and expanding existing businesses in New York State and for relocating businesses to the State.

The executive summary must not contain any proprietary information and must be suitable for publication.

E. Proposal Narrative (15 Page Limit)

Address the specific review criteria presented below. All visual materials (such as charts, graphs, maps, photographs, and other pictorial presentations), footnotes, endnotes and

citations must be included within the 15-page proposal narrative. All information provided in the proposal, taken as a whole, will be used in evaluating the proposal in accordance with the review criteria. If applicable, include the pertinent information below for any consortium members and/or partner organizations and specifically indicate which portions relate to each.

For the proposal narrative, follow the outline presented below:

1. Organizational Capacity and Delivery Plan (30 points)

- a. Describe the entrepreneurial spirit of the CAT's leadership (CAT director and management team) demonstrated by work with startup companies; creation of faculty or student spin-offs; and/or applied research with industry in areas similar to those identified in the applicant's proposal. Indicate the anticipated percentage full-time equivalent (FTE) each member of the management team will work on CAT activities (based on 1,800 hours available per 12 months). Identify any vacant management team positions and required qualifications. In addition, include the Curriculum Vitae (CV)¹ of the CAT's director and a brief resume of each member of the management team including business development staff² in **Appendix 1** to the proposal. If the proposal is for the designation of a new Center, include the job description and qualifications for the CAT director and the management team including the business development staff. If the proposal is for the designation of a new Center and a specific individual is identified as the director, indicate the criteria used to select the person and the person's relevant experience in successfully partnering with industry. If the proposal is for re-designation of a Center, identify the director and any plans within the first five years for any changes in the CAT's management. Include in **Appendix 1** to the proposal a brief biographical sketch (using the "Biographical Sketch Form" provided in Appendix B to this RFP) for **each research faculty member** who will participate in the CAT's activities.
- b. Discuss strategies that will be used to create and support new business development, including encouraging work with small New York State companies. Discuss the criteria that will be used for accepting new projects, establishing priorities and allocating CAT resources, including the role of the CAT's Industrial Advisory Board. Cite specific industrial prospects that will be pursued by the CAT. Discuss how the CAT's activities will complement those of the applicant's technology transfer office or equivalent office and how these organizations will collaborate to avoid duplication of resources. Discuss events and activities used to assist with technology transfer. Describe the manner in which the proposed CAT complements the broader goals of the institution(s) and include an organizational chart as **Appendix 2** that presents the CAT's management structure and available resources.
- c. Describe the physical and intellectual research capacity that will be available to the CAT,

¹Include in the CAT Director's CV a complete history of the Director's education, employment experience, publications/presentations, research funds received, and patents applied for and received. **Do not** use the Biographical Sketch Form presented in V.E.1.a. for the CAT Director's CV.

²CATs are required to maintain a full time business development staff member, either delivered internally by a CAT staff member or through an external consultant, to develop new business opportunities and manage existing relationships. An experienced Business Development staff person will be viewed as one who has significant and recent business experience in the specific and/or related industry within the applicant's Technology Focus.

including equipment and facilities. Quantify institutional contributions to the CAT (e.g., 50 percent of CAT director's time, value of \$75,000; 2,000 square feet of office and laboratory space, \$50,000 annual market value; reduced indirect cost rate charged to companies that work with the CAT [15 percent compared to 45 percent standard institutional rate]). Describe any long-term plans for expansion of the faculty base and infrastructure available to the CAT and identify currently unfulfilled needs.

- d. Discuss the applicant's plans to partner with other organizations to ensure that a referral network exists for companies to receive assistance beyond that offered by the CAT (e.g., business plan refinement, general business consulting) and achieve the objectives described in Section I.A. and in the proposal. Discuss specific areas in which the partner **increases** and **advances** the CAT's ability to achieve the objectives identified and generate economic impact in New York. Include previous collaborations between the organizations and discuss the formality of the agreement (e.g., a memorandum of understanding) and pertinent terms. Refer to the requirements of Section I.F. and the definition included within Appendix A for limitations and examples of partner organizations.

2. Economic Opportunity (45 points)

- a. Discuss the research and development needs of companies within the applicant's Technology Focus, particularly small New York State companies. In conjunction with the information presented elsewhere in the proposal, provide sufficient information about the CAT's research capabilities and applied research goals to demonstrate how the CAT will address these needs.
- b. Discuss the factors that enable the applicant to provide research and development assistance to industry and highlight other research organizations delivering similar services. Identify other organizations by name and, in conjunction with the information provided throughout the proposal, include a description of how the proposal is unique and/or better equipped to address industry's needs; including but not limited to filling gaps in services.
- c. Discuss the potential of the CAT's ability to create and expand existing companies in, and relocate companies to, New York State, including existing small New York State companies. Cite references for sources used where applicable. Identify specific companies with which the applicant has collaborated on activities similar to those identified in the proposal during the past five years. Include the specific location of the company that was assisted by the applicant and describe the services provided to the company. If applicable, quantify the economic impact(s) realized by the company as a result of this assistance using the economic impact categories presented in Section 1.H. Discuss how applicant's existing resources have been leveraged to partner with industry and whether the applicant has successfully helped businesses to locate in New York State.
- d. Provide a project summary template (refer to Appendix B to the RFP) for **up to ten** of the most recent committed projects³ the CAT will conduct with industry during its first year of operations. If the proposal is for a new CAT, provide project summary templates for five potential projects where the company partner has agreed to consider the project and up to five committed projects; or any combination thereof that amounts to ten. Provide a separate

³ A committed project is one that has been agreed to by the company with the dollar amount of support and CAT deliverables identified.

template for each project and limit each to two pages. Include the project summary templates as **Appendix 3** to the proposal.

3. Use of Funds (20 points)

- a. Discuss in the narrative the manner in which ESD funds will be integrated with other funds provided to the CAT to expand the applicant's ability to generate economic growth in New York State. Discuss how the funding will support the CAT's long-term plans to increase economic impact in New York State.
- b. Discuss the nature of the expenditures that ESD funds will support during the CAT's first five years of operations under this RFP (Budget Form Two) to achieve the CAT's long-term plans to increase economic impact in New York State.
- c. Identify any non-personnel costs such as equipment, travel and other expenses that have been budgeted for ESD funds. Include a description of the item, function and total anticipated cost.
- d. Discuss the CAT's capacity to secure private and other non-New York State government funds in amounts at least equal to the matching funds requirements for the total support sought from ESD.

4. Diversity Practices (5 Points)

Up to 5 points will be awarded based upon the contents of the Diversity Practices Questionnaire (Appendix B), submitted by each Respondent to the RFP.

F. Budget

Applicants must use the budget forms provided in Appendix B of this RFP. Complete the budget forms following the directions included with the forms and submit them as **Appendix 4** to the proposal.

- Budget Form One – Projected Year One Budget: Total Amount of ESD Funding Requested and Matching Funds Demonstrated; and
- Budget Form Two – Projected Five-Year Budget for ESD Funds (**for the purposes of this RFP, use a total five-year budget of up-to \$4,519,770**).

For Consortium Members:

- Include a consolidated Budget Form One – Projected Year One Budget for the total funds budgeted for the **entire** CAT along with a **separate** Budget Form One for each consortium member indicating how that consortium member projects to expend matching funds and ESD funds.
- Include a consolidated Budget Form Two (Projected Five-Year Budget for ESD Funds) for the total ESD funds budgeted for the **entire** CAT (all consortium members) along with a **separate** Budget Form Two for each consortium member indicating how that consortium member projects to expend ESD Funds over the five-year period.

Check that the forms are completed and mathematically correct. Funding requests must directly relate to activities described in the proposal. Only costs directly related to the proposed

activities will be considered for funding. The budget evaluation and review is considered with the overall proposal.

G. Non-Discrimination and Contractor & Supplier Diversity Requirements

Submit the following documents, found in Appendix B.

- Diversity Practices Questionnaire
- OCSD-1 - MWBE and SDVOB Participation / EEO Policy Statement
- OCSD-2 - Staffing Plan
- OCSD-4 - MWBE and SDVOB Utilization Plan

H. Appendices to the Proposal

Include the following appendices:

Appendix 1: CAT director's curriculum vitae (CV) or job description with qualifications for a new CAT director. Brief resume, or job descriptions with qualifications, for each member of the management team. "Biographical Sketch Form" for each research faculty member who will participate in the CAT's activities

Appendix 2: CAT organizational chart

Appendix 3: Project summary templates (up to ten for an existing CAT or proposed CAT as described in III.E.2.d.)

Appendix 4: Budget Forms One and Two

Appendix 5: Proprietary information exception request (if applicable)

No sections, appendices, and/or supporting information of the proposal beyond those items required by ESD in this RFP will be accepted or reviewed.

IV. Review Criteria and Process

For the review of eligible proposals, ESD has established the following criteria to be applied in accordance with the review process set forth in Section IV.B. In addition to addressing the review criteria stated below, refer to the proposal instructions in Section III of this RFP for specific items that must also be addressed.

A. Review Criteria

1. Organizational Capacity and Delivery Plan (30 Points)

- a. The consistency of the goals and objectives of the proposed Center with those articulated in this RFP. (6 Points)
- b. The degree to which the proposed Center's leadership, management team, and staff have the experience and expertise necessary—including entrepreneurial experience—to carry out the activities and achieve the goals and objectives stated in this RFP. (10 Points)

- c. The degree to which proposed Center's physical and intellectual research capacity will be available for and are relevant to supporting the goals and objectives of the proposed Center. (8 Points)
 - d. The degree to which proposed Center's interactions and interdependency with other economic development organizations/enterprises constituting its referral network are sufficient for and relevant to achieving the goals and objectives stated in this RFP. (6 Points)
2. Economic Opportunity (45 Points)
- a. The range of companies and technological issues for which the applicant institution has provided assistance and/or information. (15 Points)
 - b. The assistance currently, or to be, provided to industry and how it compares to other economic development organizations to which the applicant institution has provided related services. (10 Points)
 - c. The applicant institution's ability to contribute to the creation and expansion of companies in, and the relocation of companies to, New York State. (10 Points)
 - d. The significance of the projects that are expected to have been studied and/or researched by the applicant institution. (7 Points)
 - e. Ability of the applicant institution to serve a statewide constituency. (8 Points)
3. Use of Funds (20 Points)
- a. Quality of the applicant institution's justification/rationale for the use of the requested funds. (8 Points)
 - b. Quality and quantity of the applicant institution's matching funds against ESD funding. (8 Points)
 - c. Quality of the applicant institution's matching fund expenditure plan. (4 Points)
4. Diversity Practices (5 Points)
- Up to 5 points will be awarded based upon the contents of the Diversity Practices Questionnaire (Appendix B), submitted by each Respondent to the RFP.

B. Review Process

Reviewers may include ESD staff, staff from federal or other State agencies, and individuals selected from the science, business, and academic communities. The reviewers will adhere to the process described in this section and will apply the review criteria detailed above. ESD may limit the number of proposals a reviewer is required to evaluate. Each proposal will be reviewed and scored by at least three reviewers.

Scoring: Reviewers will independently evaluate and assign a preliminary score to proposals that have been accepted by ESD. The *preliminary scores* for a proposal will be combined to provide an *initial average score* for that proposal.

After the initial average scores are calculated, reviewers will convene as a group to review these preliminary scores and discuss the proposals in accordance with the review criteria. At the conclusion of the discussions, each reviewer will individually provide a *final score* for each proposal based upon the panel's discussions. Proposals must receive a minimum score of 70 in order to be considered for funding.

In the event that two or more proposals have the same final score and the score is high enough for the applicants to be considered for funding, but there is not enough funding to designate all the applicants with the same score, the review panel will hold an additional session to review only those affected proposals. The review panel will deliberate until there is a consensus regarding the selection.

ESD reserves the right to reject any and all proposals. ESD may recall this RFP at any time prior to award announcement and may also reject proposals for deficiencies; waive technicalities, irregularities, and omissions; or solicit new proposals. ESD reserves the right to act in accordance with the best interests of the people of New York in its interpretation of this RFP.

Applicants and/or their surrogates are prohibited from contacting any ESD staff to advocate on behalf of a proposal submitted in response to this RFP. Violation of this restriction will disqualify an applicant's proposal from the competition.

C. Protests and Appeals

1. Protests

Any interested party may file a protest with the director of ESD's Division of Science, Technology & Innovation within fifteen business days from the date of the notice of the contract award, except:

- where a protest concerns the terms and conditions of the solicitation (or other matters that would be apparent to an interested party prior to the date set in the solicitation for the receipt of bids), in which case that protest must be filed on or before the date set in the solicitation for the receipt of bids or proposals; or
 - where ESD determines that sufficient circumstances exist and has set forth a different time period for filing protests.
- a) The director of ESD's Division of Science, Technology & Innovation shall refer any protest either to an individual employee or group of employees of ESD. No such employee will have been actively involved in the procurement process being protested. ESD will provide a copy of any protest filed to the successful bidder.
 - b) ESD may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest raises only issues of law that have already been decided.
 - c) ESD shall issue a determination within ten (10) business days of the filing of the protest. The answer to the protest should address all the factual and legal allegations contained in the protest. A copy of the answer shall be simultaneously delivered to the protester and the successful bidder.
 - d) During the time period in which a protest may be filed, or during the resolution of a pending protest, ESD may negotiate terms and conditions of the contract or grant award with the successful bidder. However, a contract or grant award will not be approved by the ESD prior to the expiration of the time period for filing a protest, or, if a protest has been filed, before the ESD issues a determination of the protest.
 - e) The person or persons designated by ESD to consider the protest shall prepare a written recommendation addressing all of the issues that have been raised by the protest.
 - f) ESD may accept, modify or reject such recommendation.
 - g) In making his or her determination with regard to the protest, the ESD designee may, in his or her sole discretion, consider any additional information from any source relating to the

allegations set forth in the protest.

- h) All parties that have participated in the protest, as well as the original successful bidder, shall be provided with a copy of the final determination of ESD. The determination shall be made part of the procurement or grant award record.

I. Appeals

All parties receiving a copy of the ESD final determination will also receive a copy of the current [“Contract Award Protest Procedure For Contract Awards Subject To The Comptroller’s Approval.”](#) This document explains the time periods and procedure for filing a protest with the Office of the State Comptroller.

An interested party has ten (10) business days from the date it receives ESD’s determination to file an appeal with the Bureau of Contracts in the Office of the State Comptroller.

V. Appendices to this RFP

Appendix A – Glossary of Terms Used

Appendix B – Required Forms

Appendix C – Sample Contract

APPENDIX B: Required Forms

- Request for Proposals Response Form
- RFP Proposal Coversheet, Checklist and Certification
- Project Summary Template
- Biographical Sketch Form
- Proposal Budget Forms (PDF for reference only; applicant must provide an Excel file)
- Diversity Practices Questionnaire
- OCSD-1 - MWBE and SDVOB Participation / EEO Policy Statement
- OCSD-2 - Staffing Plan
- OCSD-4 MWBE and SDVOB Utilization Plan

Glossary of Terms Used Throughout the RFP

The following definitions apply to the terms used in this RFP. Terms defined herein are capitalized throughout the text of the RFP. Terms used within a definition that are also defined in this appendix are noted in italics.

Applicant: An eligible *University, University-Affiliated Research Institute, or a Consortium* of such institutions requesting designation as a *CAT* under this RFP.

Authorized Organizational Representative: The institution's duly authorized representative with authority to enter legal agreements on behalf of, and commit resources of, the institution.

Award Recipient: An *Applicant* that receives *CAT* designation by ESD under this RFP.

Business Development Staff: The individual(s) employed full-time either directly by the *CAT* or *Applicant* or as an external consultant who seek(s) to develop new business opportunities and manage existing relationships for the *CAT*.

CAT Director: The individual responsible for the day-to-day overall management of the *CAT* and for directing the *Center's* activities.

Center for Advanced Technology, CAT, or Center: A university-based applied research center designated by ESD as a Center for Advanced Technology in accordance with Public Authorities Law §3102-b and Section 5904 of Title 21 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

Committed Matching Funds: Funds associated with a specific project that has been accepted by the *Matching Funds* sponsor and in which the amount of *Matching Funds* support and *CAT* deliverables are defined.

Consortia, Consortium, or Consortium Members: A collaborative effort comprised of a *University(s)* and/or *University-Affiliated Research Institute(s)* working together to perform the tasks identified in the *proposal*. A *Lead Institution* must be identified.

ESD: Empire State Development is the umbrella organization for economic development activity in New York State involving both Department of Economic Development (DED) and a public authority in the form of Empire State Development Corporation; however, awards (contracts) through this competition will be administered by (through) DED.

Indirect Cost(s) or Indirect Cost Rate: Defined by Federal OMB Circular A-87 as the rate used for allocating those common costs that cannot be specifically allocated to a particular project or activity. A cost may not be allocated as an Indirect Cost if any other cost incurred for the same purpose in like circumstances has been assigned as a direct cost. The maximum Indirect cost chargeable to ESD funds under the *CAT* program is 15 percent.

Industrial Advisory Board: A board that includes representatives from companies operating within the *proposal's Technology Focus* that serves in an advisory capacity to the *CAT* and helps ensure that resources are invested in areas with the greatest commercial relevance to industry. Industrial Advisory Boards must include representatives from industry.

Lead Institution: The member of an eligible *Consortium* that serves as the entity contracting with ESD for *CAT* program funds. The Lead Institution is responsible for administering the contract, ensuring that the work is performed, and fulfilling all reporting requirements.

Matching Funds: A non-reimbursable component of a project's total cost that is reflective of the *Applicant's* and industry's commitment to the *CAT*. Refer to Section I.E. of this RFP for specific Matching Funds requirements.

New York State Company, New York Company or Company in New York: A for-profit enterprise with a permanent place of business located in New York State employing a full-time workforce. The company's New York facility must either be (1) the intended recipient of the *CAT's* assistance or (2) directly benefit from the *CAT's* assistance. The *CAT's* assistance must also demonstrably enhance the company's economic activity in New York.

Partners or Partner Organizations: Those organizations that will assist the *Applicant* in achieving its mission. Subject to the limitations of Section I.C. of the RFP, Partner Organizations may include, but are not limited to, other schools or departments within the *Applicant*, Manufacturing Extension Partnership centers, NYS Certified Business Incubators and Innovation Hot Spots, Centers of Excellence, other Centers for Advanced Technology, technical and community colleges, Small Business Development Centers, Empire State Development programs, and other similarly focused not-for-profit organizations and programs.

Proposal: A response to this Request for Proposals submitted by an *Applicant*.

Small New York State Company: A *New York State Company* with its principal place of business in New York that employs 100 or fewer persons in total, including any parent companies or subsidiaries.

Technology Focus: The field of science or technology in which the *CAT's* research will be conducted; as specified in Section 1.G. of this RFP.

University: An institution of higher education that grants doctoral degrees in the research field(s) related to the *Technology Focus* identified in the *Applicant's Proposal*. To be eligible to apply under this RFP, the *Applicant* and any *Consortium Members*, if applicable, must each meet the eligibility requirements of Section 1.D.

University-Affiliated Research Institute: A not-for-profit corporation closely affiliated with a specific *University*, and only one *University*, whose primary purpose as defined by its articles of incorporation is to support, supplement, and/or extend the basic and applied research, development and technology transfer in one or more technological areas of the *University* to which it is affiliated.