REQUEST FOR PROPOSALS
FOR COMPLIANCE MONITORING SERVICES
COLUMBIA UNIVERSITY EDUCATIONAL MIXED-USE DEVELOPMENT
LAND USE IMPROVEMENT AND CIVIC PROJECT

Issued: January 9, 2026

IMPORTANT NOTICE: A restricted period under the Procurement Lobbying Law is currently in effect for this Procurement and it will remain in effect until approval of the Contract. Anyone considering responding to this RFP (hereinafter, "Respondent" or "Respondents") is prohibited from contact related to this procurement with any New York State employee other than the designated contacts listed below.

Designated Contacts for this Procurement:

Primary Contact: Jordan Kaplan
Secondary Contact: Julia Borukhov

All contacts/inquiries shall be made by email to the following address:
ComplianceMonitoringColumbia@esd.ny.gov

Proposals must be sent to the designated Dropbox:
https://www.dropbox.com/request/XkgfbQmHdB8JtremWua6

This RFP is posted on the Empire State Development website:
https://esd.ny.gov/doing-business-ny/requests-proposals

Submission Deadline: 2:00 PM ET on March 12, 2026
Proposals deemed to have arrived late will not be accepted

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I. INTRODUCTION

The mission of Empire State Development ("ESD" or the "Corporation") is to promote a vigorous and growing state economy, encourage business investment and job creation, and support diverse, prosperous local economies across New York State through the efficient use of loans, grants, tax credits, real estate development, marketing, and other forms of assistance.

ESD issues this Request for Proposals ("RFP") seeking to select a consultant to provide compliance monitoring services in connection with the Columbia University Educational Mixed-Use Development Land Use Improvement and Civic Project (the "Project"). Interested firms or individuals (each a "Respondent") are required to follow the guidelines and instructions contained in this RFP.

II. OVERVIEW

ESD's Directors approved a Modified General Project Plan for the Project in 2008 (the "GPP"). The GPP anticipates that Columbia University ("Columbia") will construct new state-of-the-art educational facilities and open spaces on a 17-acre site in the Manhattanville section of West Harlem in the City of New York and will take other actions that will benefit the surrounding community. ESD's role in the Project is, among other things, to assist Columbia with Project site assemblage and to impose certain development parameters on the Project in addition to those imposed by zoning. ESD is providing no financing for the Project.

The Project is being constructed in stages over a period of approximately 25 years and is estimated to create approximately 14,000 construction jobs and 6,000 new university jobs. Major components of the Project include: development and construction of approximately 4.8 million above-grade square footage in up to 16 new and one renovated building for primarily academic research and university housing uses; an additional approximately 2 million square feet of multi-level, below-grade new construction that would connect many of the new buildings and provide shared support and other facilities; and creation of new open spaces accessible to the general public.

The Project site is located approximately ten blocks north of Columbia's existing Morningside Heights campus. The Project extends overall, or part of seven city blocks and is bounded by and includes West 125th Street on the south, West 133rd Street on the north, Broadway on the east and Twelfth Avenue on the west. An area bounded by and including Broadway, West 133rd and West 134th Streets on the south and north is also part of the Project. A map depicting the Project site appears at Exhibit

A to the Declaration of Covenants and Restrictions ("Restrictive Declaration"), which is attached as Appendix B.

Consistent with the GPP, Columbia signed the Restrictive Declaration on December 14, 2011. Under the terms of the Restrictive Declaration Columbia is obligated to, among other things: (a) construct and complete the Project in stages within certain construction milestones; (b) design and construct the Project in an environmentally sustainable manner; (c) relocate occupants of approximately 135 dwelling units on the Project site to alternate housing; (d) provide specific community benefits including but not limited to new educational opportunities, public access to facilities, transportation improvements, and job training; and (e) seek diversity contracting and hiring goals during construction and operation of the Project. These obligations of Columbia, detailed in Sections 2.07, 2.10, 5.03, 5.05, 5.06 and 5.07 (other than obligations under Section 5.07(e)) of the Restrictive Declaration are collectively referred to in this RFP as the "GPP Obligations".

The consultant retained by ESD to provide compliance monitoring services will be designated the "GPP Monitor" and will evaluate evidence of compliance provided by Columbia and make recommendations to ESD for improving delivery of the compliance obligations. Columbia is required to fund the GPP Monitor for a minimum period of 25 years. ESD seeks to engage a consultant to serve as GPP Monitor for a period of two years, with ESD retaining the option to renew the engagement.

In addition to the GPP Obligations set forth above, Columbia has certain environmental obligations set forth in the Final Environmental Impact Statement ("FEIS") prepared for the Project and in the Restrictive Declaration. Columbia's compliance with such environmental obligations is outside the scope of this RFP and is being monitored by a separate consultant (the "FEIS Monitor") retained by Columbia for the benefit of the City of New York. ESD's selected GPP Monitor may not serve as the FEIS Monitor.

III. PROJECT STATUS

Since 2014, five major state-of–the-art facilities were designed by internationally known architect Renzo Piano, in association with local architects. These include the Jerome L. Greene Science Center, housing the Mortimer B. Zuckerman Mind Brain Behavior Institute, the Lenfest Center for the Arts, the University Forum Building, and most recently, two buildings housing the Business School, the David Geffen, and Henry Kravis Halls. Each of the five structures are now in full operation.

There are also two public outdoor spaces fully activated on the Campus currently: the Square, a grassy park located between the two business school buildings; and the Plaza, a gathering space located at the Lenfest Center for the Arts and the Jerome L Greene Science Center.

Columbia submits periodic Implementation Plan reports on its compliance with the triggered obligations. ESD and its General Project Plan monitor, would then review these reports along

with substantiating evidence of Columbia's compliance with construction milestones and with CU's community benefit obligations.

To date, thirty-six (36) obligations have been triggered, including construction milestones, affirmative action and civic obligations. Of these, six (6) are confirmed as complete and thirty (30) are active.

IV. MWBE & SDVOB SUBCONTRACTOR INTEREST

New York State certified Minority- and Women-Owned Businesses ("MWBEs") and Service-Disabled Veteran-Owned Businesses ("SDVOBs") may request that their firm's contact information be included on a list of MWBE and SDVOB firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Contract Reporter and ESD's website for reference by potential Respondents. A firm requesting inclusion on this list should send contact information and a copy of its NYS MWBE or SDVOB certification to ComplianceMonitoringColumbia@esd.ny.gov.

Nothing prohibits an MWBE or SDVOB vendor from proposing as a prime contractor.

V. SCOPE OF WORK

The GPP Monitor will generally serve as ESD's "eyes and ears" in monitoring Columbia's compliance with the GPP Obligations, which fall into two broad but diverse categories: construction obligations; and civic obligations. The GPP Monitor will be appointed by and for the benefit of ESD, serve as a consultant to ESD, and report to ESD. Columbia will provide periodic Implementation Plans pursuant to Section 5.03 of the Restrictive Declaration to establish that Columbia is implementing and complying with the GPP Obligations during the reporting period; and such other documentation to show Columbia's compliance with the GPP Obligations (collectively, "Evidence of Compliance"). Some of these obligations include, but are not limited to: Sections 2.07, 2.10, 5.03, 5.06 and 5.07 (with the exception of 5.07(e).

ESD recognizes that the GPP Monitor's responsibilities include broad ranges of tasks detailed below that require diverse skills. Therefore, ESD encourages and will accept proposals from consultants who elect to partner or otherwise combine their respective skill sets and present a unified response that demonstrates an efficient and effective plan for performing the totality of the GPP Monitor's obligations. ESD also may encourage such combinations between qualified consultants who respond to this RFP.

ESD anticipates that the length of the contract for the successful bidder will be two years, with the possibility of three additional one-year extensions.

Task 1. Review Reports and Verify Evidence of Compliance

The GPP Monitor will review Columbia's Evidence of Compliance and independently verify, as necessary, that Columbia is adhering to the applicable GPP Obligations. The specific services required of the GPP Monitor for this task include:

a. Review Evidence of Compliance and assist ESD in determining whether same is complete and sufficient with respect to each of the applicable GPP Obligations.
b. If ESD determines that the Evidence of Compliance is incomplete or insufficient, assist ESD in providing notice to Columbia specifying the areas of noncompliance and affording Columbia the opportunity to resubmit compliance documentation or to cure any noncompliance, and assist ESD in determining whether any resubmitted documentation is complete and sufficient with respect to the applicable GPP Obligations.
c. At ESD's direction, and upon reasonable written notice to Columbia and to the extent reasonably necessary in good faith to verify Columbia's compliance with the GPP Obligations: (i) access any facilities or buildings owned or controlled by Columbia on or proximate to the Project Site, accompanied by a representative of Columbia, and (ii) review reports, books and records maintained by Columbia relating to the GPP Obligations.
d. Meet with, and as requested report in writing to, ESD periodically in order to ascertain whether Columbia is complying with the GPP Obligations.

Task 2. Periodic Revisions to Reports

ESD or Columbia may from time-to-time request that the Evidence of Compliance be amended or adjusted in order to better or more accurately reflect compliance with the GPP Obligations or to reflect modifications to the GPP Obligations or methods of compliance mutually agreed to by Columbia and ESD. The GPP Monitor will be expected to consult with Columbia and ESD on such proposed amendments/adjustments and to advise ESD on their appropriateness in view of the goals of the GPP Obligations. The specific services required of the GPP Monitor for this task include:

a. Consult with and respond to ESD with respect to written requests from Columbia concerning revisions to the Evidence of Compliance.
b. Make recommendations to ESD on an as-needed basis for improvements and refinements to the Evidence of Compliance to improve clarity, respond to changed circumstances, or minimize undue administrative burdens.
c. Advise ESD with respect to requests made by Columbia under Section 5.08 of the Restrictive Declaration.

Task 3. Project Administration

The specific services required of the GPP Monitor for this task include:

a. At least 60 days prior to the end of each one-year term, submit an itemized budget for the following one-year term that assumes that Columbia will reasonably cooperate with the GPP Monitor and will at all times be in compliance with the GPP Obligations.
b. Participate in meetings with ESD staff (at least quarterly).
c. Attend meetings, as directed by ESD, with Columbia, Columbia's consultants, Columbia's contractors, the FEIS Monitor, and/or the City of New York, as necessary to independently verify compliance; provided that meetings with Columbia's consultants or contractors be attended by a representative of Columbia.
d. Participate in at least one annual meeting with ESD and Columbia to review compliance issues and frequency of reports.
e. Advise and assist ESD in connection with the preparation of any correspondence, notices, and other documents related to Columbia's compliance with the GPP Obligations. Upon direction from ESD, make inquiries to the FEIS Monitor on behalf of ESD. The GPP Monitor will not have the responsibility or the authority to enforce the Restrictive Declaration or to send notices of default.

Task 4. Miscellaneous

The miscellaneous services required of the GPP Monitor include:

Assist ESD in various administrative functions in connection with the Project, including, but not limited to, scheduling meetings, document management, assistance in complying with Freedom of Information Law requests, tracking compliance timelines, and providing supplemental written memoranda regarding compliance issues at ESD's request.

VI. SCHEDULE OF DATES

It is anticipated that a contract will be awarded in response to this RFP based on the following schedule:

Release of RFP	January 9, 2026
Deadline for Submission of Questions	February 5, 2026
Deadline for ESD to Respond to Questions	February 19, 2026
Submission of Proposals (date and time)	March 12, 2026 at 2 P.M. ET
Interviews (if necessary)	TBD
Announcement of Successful Respondent	TBD
Anticipated Contract Start Date	June 1, 2026
Anticipated Debriefing Timeframe	TBD

Please note, the Corporation reserves the right to change any of the dates stated in this RFP.

VII. SELECTION CRITERIA

ESD shall establish a selection committee to evaluate Proposals. When reviewing Proposals, the selection committee will consider the following criteria and assign point values to each Proposal based on their evaluation. The maximum number of points any Proposal may receive is 100:

1) Methodology (20 Points)

a) Approach described in the RFP response demonstrates a full comprehension of the anticipated Scope of Services and the ability to consistently provide such Services to ESD at a high-performance level.
b) Quality and thoroughness of the written proposal.

2) Relevant Experience (20 Points)

a) Experience with successful, large-scale mixed-use planning and development projects, particularly in urban centers.
b) Experience with similar initiatives and public agencies.
c) Experience in conducting compliance monitoring or similar services.
d) Number, complexity, and nature of projects handled by Respondent.
e) Respondent shall have not less than 3 years of experience in having performed similar services for which it is engaged as a consultant.
f) Experience with similar or other relevant projects, services and/or activities in the vicinity of the Project or in the community surrounding the Project. Familiarity with Project and surrounding community.

3) Staff (20 Points)

a) Proposed staff ability and record of achievement.
b) Availability of staff of Respondent to take on services, particularly the consistent availability of senior principals. Respondent is to plan and allot the time necessary to complete all services in a timely and efficient manner.
c) Previous successful collaborations between Respondent team members with public agencies and community stakeholders with respect to large urban redevelopment projects.

4) Fee (20 Points)

a) Proposed fee structure and hourly rates.

5) Presentation and Collaboration Skills (10 Points)

a) Effective presentation and communication skills (both oral and written).
b) Excellent record of relations, communication, and collaborations with past clients.
c) Ability to interact with ESD and all stakeholders in a collaborative and supportive manner consistent with the objectives of this RFP.

6) Quantitative Factor (10 Points)

ESD will award 10 points to Respondents that are New York State certified Minority and/or Women-owned Business Enterprises (MWBEs) as defined in Article 15-A, Section 310 of the New York State Executive Law or Service-Disabled Veteran-owned Business Enterprises ("SDVOBs") as defined in Article 3, Section 40 of the New York State Veterans' Services Law.

In order to be awarded points pursuant to the Quantitative Factor, the Respondent must identify itself as an MWBE or SDVOB by providing the Respondent firm's current MWBE and/or SDVOB certificate issued by New York State. Respondents identifying themselves as MWBEs must be listed in the directory of New York State-certified MWBEs ("MWBE Directory") as of the closing of the period for responses to this RFP. The MWBE Directory is available at: https://ny.newnycontracts.com. Respondents identifying themselves as SDVOBs must be listed in the directory of New York State-certified SDVOBs ("SDVOB Directory") as of the closing of the period for responses to this RFP. The SDVOB Directory is available at https://sdves.ogs.ny.gov/businesssearch.

Reference Checks

ESD reserves the right to determine, in its sole discretion, whether reference checks for one or more of the Respondents will be necessary. Information provided by references may be used by the Corporation for proposal evaluation purposes. The Corporation may seek additional information from references regarding subjects that include, but are not limited to, the quality of services provided, anticipated ability to perform the services required in this RFP, and the responsiveness of the Respondent to the client during the engagement. The Corporation reserves the right to deploy, at its sole discretion, a variety of methods and communication approaches to contact references, depending on what the Corporation deems to be the most effective and efficient manner.

VIII. SUBMISSION OF PROPOSALS

Every Respondent should submit a proposal which clearly and concisely provides all of the information requested. Emphasis should be concentrated on conformance to the RFP instructions and requirements, as well as completeness and clarity in its proposal response. The Respondent is advised to thoroughly read and follow all instructions contained in this RFP. Proposals that do not comply with these instructions or do not meet the full intent of all the requirements of this RFP may be subject to scoring reductions during the evaluation process or may be deemed non-responsive.

i. Technical Proposal

Below is a listing of the technical information to be provided by the Respondent. No information is required beyond what is specifically requested. The Corporation requests that all Technical

Proposals be organized with bookmarks identified to match the specific information requested below:

- Cover page (including Respondent's contact information)
- Table of Contents
- Cover Letter
- Firm Experience and Qualifications
- Staff Experience and Qualifications
- Project Plan and Approach
- Statement Concerning Conflicts of Interest
- Estimated Cost

The purpose of the Technical Proposal is to provide Respondents with an opportunity to demonstrate their qualifications, competence, and capacity to undertake the engagement described herein, in a manner which complies with applicable laws and regulations, and the requirements of the RFP.

A. Table of Contents

The Table of Contents should clearly identify the location of all material within the proposal by section and page number.

B. Cover Letter

A cover letter on the Respondent's letterhead that is signed by an individual with authority to contractually bind the Respondent and that includes the following:

i. The full legal name, address and type of legal entity, and jurisdiction in which the entity is formed (if applicable), telephone number and e-mail address of the representative who is authorized to discuss and/or negotiate the proposal.

ii. Federal Employee Identification Number.

iii. Text explaining ownership (corporate and/or individual) of proposing entity and all subsidiaries or parent company, if applicable.

iv. A statement that Respondent is ready, willing and able to engage in the services set forth in the proposal upon execution of contract.

v. A statement that Respondent accepts the Conflicts of Interest terms set forth in Section VII.i.F of this RFP.

C. Firm Experience and Qualifications

In this section of the Technical Proposal, Bidders should demonstrate relevant experience by providing the following:

i. A history of Respondent's experience providing compliance monitoring services or similar services within the previous five (5) years, with emphasis on successful large scale, mixed-use real estate development projects and construction scheduling. Indicate whether Respondent has experience with the critical path method (CPM) in the scheduling and management of large-scale construction projects. Such history should also detail any experience providing these services to economic development organizations, municipalities, other governmental entities, private developers, and not-for-profit and civic organizations.

ii. Examples of up to three (3) projects that Respondent has completed in the area of compliance monitoring or similar services involving major construction projects. For each project, include discussion about the specific role performed by Respondent and the key individual(s), any problem(s) encountered, how the problem(s) were dealt with, the outcome of the project, and to the best of Respondent's knowledge, what transpired with the project once Respondent's role in the project ended. Include the client, the name of a client contact person who is able to provide a reference, a description of the nature of the work, the size and complexity of the project, construction cost, and the amount and the agreed fee arrangements.

iii. Description of any relevant services or activities performed in the vicinity of the Project or in the community surrounding the Project.

D. Staff Experience and Qualifications

In this section of the Technical Proposal, Bidders should demonstrate that the staff proposed have the knowledge and ability to perform the services described in this RFP and include the following:

i. Name(s), title(s) and resumes of personnel who will be responsible for the performance of the requested services, clearly indicating their relevant experience 10 and specific areas of expertise. Each resume shall be limited to two (2) pages, shall include education, professional credentials and employment history. Also, include the resumes of any MBE/WBE partner or subconsultant that will be involved in the provision of services required under this RFP, along with a description of how each such partner or subconsultant will work in connection with Respondent to fulfill the Scope of Services, distinguishing the roles, responsibilities and commitment of each team member.

ii. An analysis or table of the hours and percentage of time to be spent by each person assigned to the Project.

Information provided by references may be used for proposal evaluation purposes. The Corporation may seek additional information from references regarding subjects that include, but are not limited to, the quality of services provided, anticipated ability to perform the services

required in this RFP, and the responsiveness of the Respondent to the client during the engagement.

E. Project Plan / Approach

In this section of the Technical Proposal, Respondents should demonstrate their competence and capacity to undertake the services described in this RFP by providing the following:

i. A written narrative description of Respondent's understanding of, methodology and approach to, and any comment on, the Scope of Services described herein, and of Respondent's demonstrated ability to perform these services within the designated timeframe. Respondent should elaborate, as appropriate, on the tasks listed in the Scope of Services, including work by MBE/WBE/SDVOB partners or subconsultants, if any.

ii. A detailed description of the proposed management approach to be taken for the performance of the required services. Factors addressed in Respondent's management approach shall include, but are not limited to: Respondent's proposed approach for managing communications and information gathering with Columbia; Respondent's proposed organizational structure to be responsive to ESD's needs; Respondent's proposed approach and schedule for keeping ESD timely apprised of Project status; and Respondent's proposed approach to ensuring the quality of the work product to be produced, as well as the practices and procedures Respondent follows to control the costs of the services and stay within budget.

F. Statement Concerning Conflicts of Interest

i. A statement describing whether the engagement with ESD would create any potential conflict of interest, or appearance of impropriety, relating to other clients/customers of Respondent or former officers and employees of ESD. Indicate what procedures will be followed to detect, notify ESD of, and resolve any conflicts.

ii. A statement that Respondent has not provided services to Columbia within the past 5 years; that Respondent, if selected to serve as GPP Monitor, shall not serve as 11 FEIS Monitor nor provide services to Columbia during the time it is engaged with ESD, nor shall any MBE/WBE/SDVOB partner, or any subconsultant engaged by Respondent, seek such work or negotiate to perform any such work for Columbia during such period; that Respondent, if selected to serve as GPP Monitor, shall not work for Columbia in any capacity within two years after the engagement as GPP Monitor has ended and shall be permanently barred from performing services for Columbia concerning any matter for which it was directly involved as GPP Monitor.

iii. PLEASE BE ADVISED: No current employee of Columbia may serve as the GPP Monitor (nor as a consultant to the GPP Monitor) nor can anyone serve as the GPP Monitor (or consultant) who was an employee of Columbia within three years of such persons leaving employment with Columbia. No person receiving a pension or any deferred compensation from Columbia shall be qualified to serve as GPP Monitor. The GPP Monitor shall not derive any income from performing services for Columbia or from any contractor or subcontractor engaged by Columbia on the Project.

iv. Specify any past, pending or threatened litigation or administrative or state ethics board or similar body proceedings to which Respondent or any of Respondent's partners are a party and which would either materially impair Respondent's ability to perform the services enumerated herein, or, if decided in an adverse manner, materially adversely affect the financial condition of Respondent.

v. Any Respondent selected pursuant to this RFP will be required to advise ESD of any developments during the term of this engagement with respect to existing and/or any new civil or criminal legal investigations, pertinent litigation and/or regulatory action involving Respondent or its employees which could impact the Respondent's role or ability to fulfill its obligations.

G. Estimated Cost

Specify the total proposed annual fee; hourly rates for calendar years 2026 and 2027 for each person cited in the proposal; reimbursable expenses proposed to be charged; and any other fees or charges to ESD. Indicate whether Respondent is willing to accept any cap on the compensation Respondent will receive. State whether the fee proposed by Respondent is based upon reduced fees Respondent offers to municipalities, governmental entities, economic development or nonprofit organizations, and civic organizations. ESD will require Respondent to represent that proposed billing rates and fees are equivalent or less than those charged to any other clients for equivalent services. For purposes of the fee proposal, Respondent should assume that all of the reports furnished to ESD shall be in writing, however ESD may, at its discretion, request that any report be provided orally instead of in writing.

The GPP Monitor will be required to furnish ESD with a good faith budget of the costs to be incurred in the following 12 months by the GPP Monitor, for approval by ESD. ESD will not permit the GPP Monitor to exceed such proposed budget during the applicable 12-month period without ESD's prior written approval. All expenses not identified in the proposal and agreed to in the Contract will be the GPP Monitor's sole responsibility and not billed to ESD. Office, transportation and food expenses will not be reimbursable expenses.

ii. Administrative Proposal

Schedule A of this RFP states standard requirements that must be included in every contract entered into with the Corporation. The successful Respondent must agree to abide by these requirements and provide any information requested by the Corporation in connection with

these requirements**.** Accordingly, Respondents should complete and submit the items listed below, in the order in which they are listed. Failure to submit any of the requirements below may result in the rejection of a Respondent's proposal.

i. Non-Collusive Bidding Certification (https://esd.ny.gov/sites/default/files/media/document/NonCollusiveBiddingCertification6-13-25.pdf)
ii. Conflict of Interest Attestation (https://esd.ny.gov/sites/default/files/Conflict-of-Interest-Attestation-June-2019.pdf)
iii. State Finance Law §§139-j and 139-k forms (https://esd.ny.gov/sites/default/files/media/document/SF-Law139-JK-2025.pdf)
iv. Vendor Responsibility Questionnaire (https://www.osc.ny.gov/state-vendors/vendrep/file-your-vendor-responsibility-questionnaire?redirect=legacy)
v. Iran Divestment Act Statement (https://esd.ny.gov/sites/default/files/media/document/IranDivestmentActLanguage052225.pdf)
vi. Executive Order 16 Certification (https://esd.ny.gov/sites/default/files/EO16-certification.pdf)
vii. Executive Order 177 Certification (https://esd.ny.gov/sites/default/files/EO-177-Certification.pdf)
viii. Compliance with State Finance Law §§139-m forms (https://esd.ny.gov/sites/default/files/media/document/GBVandtheWorkplacePolicyAttestationTemplate-103125.pdf)
ix. Encouraging the Use of NYS Businesses in Contract Performance Form (https://esd.ny.gov/sites/default/files/media/document/USEOFNYSBUSINESSES-2025.pdf)
x. Certification under State Tax Law Section 5-a, Form ST-220-CA (https://esd.ny.gov/sites/default/files/ST220CA.pdf) or Affidavit (https://esd.ny.gov/sites/default/files/media/document/STL5A-Affidavit-2025.pdf)
xi. W-9 Form (https://www.irs.gov/pub/irs-pdf/fw9.pdf)

Additional information about these items, and ESD's procurement requirements, can be found in Section X of this RFP ("Contractual Requirements").

iii. Submission of a Complete Two-Part Proposal

By submitting a proposal, firms are indicating their acceptance of the conditions in this RFP. Submission of proposals in a manner other than as described in these instructions (e.g., facsimile, hardcopies, emails) will not be accepted. When submitting each proposal, Respondents must follow the instructions below:

1. Create a main folder using the following naming convention: "company name – RFP title – date of Submission"
    a. **example: ABDX, Inc. – Template RFP – 1.1.2025**

2. Included within the main folder should be two subfolders: one for the Administrative Proposal and one for the Technical Proposal.
3. All documents in these folders should be clearly labeled.
4. Upload the main folder to the Dropbox as follows:
    a. Click the following link: https://www.dropbox.com/request/XkgfbQmHdB8JtremWua6
    b. Choose the following option: Add Files > Folders from computer.

Proposals deemed to arrive late will not be considered for award.

IX. QUESTIONS

Questions or requests for clarification regarding the RFP should be submitted via email, citing the RFP page and section, in accordance with the schedule in Section V (Schedule of Dates) to: ComplianceMonitoringColumbia@esd.ny.gov. Questions will not be accepted orally and any question received after the deadline may not be answered. The comprehensive list of questions/requests for clarifications and the official responses will be posted as an Addendum to this RFP.

Respondents are strongly encouraged to review all posted questions and answers, through which ESD may offer clarifications regarding sections of the RFP or advise of material changes thereto.

X. GENERAL PROVISIONS

The issuance of this RFP and the submission of a response by a Respondent or the acceptance of such a response by ESD does not obligate ESD in any manner. ESD reserves the right to:

i. amend, modify or withdraw this RFP;
ii. revise any requirement of this RFP;
iii. require supplemental statements or information from any responsible party;
iv. accept or reject any or all responses hereto;
v. extend the deadline for submission of responses hereto;
vi. negotiate potential contract terms with any Respondent;
vii. communicate with any Respondent to correct and/or clarify responses which do not conform to the instructions contained herein;
viii. cancel, or reissue in whole or in part, this RFP, if ESD determines in its sole discretion that it is in its best interest to do so; and
ix. extend the term of any agreement on terms consistent with this RFP.

ESD may exercise the foregoing rights at any time without notice and without liability to any responding firm or any other party for its expenses incurred in preparation of responses hereto or otherwise. All costs associated with responding to this RFP will be at the sole cost and expense of the Respondent.

All information submitted in response to this RFP is subject to the Freedom of Information Law ("FOIL"), which generally mandates the disclosure of documents in the possession of ESD upon the request of any person unless the content of the document falls under a specific exemption to disclosure. In addition, Proposals may be discussed at meetings of the ESD Directors, which meetings are subject to the Open Meetings Law.

ESD reserves the right, in its sole discretion, to retain and use all the materials and information, and the ideas and suggestions therein, submitted in response to this solicitation (collectively, the "Response Information") for any purpose. By submitting a Proposal, each Respondent waives any and all claims against ESD relating to ESD's retention or use of the Response Information.

Required Approvals

The awarded contract, if any, may be subject to review and approval by the Office of the State Comptroller ("OSC") pursuant to Public Authorities Law §2879-a and the regulations issued thereunder. Such OSC review and approval may be required of contracts with a value in excess of one million dollars, or modifications to contracts that result in an aggregate value in excess of one million dollars, where such contracts are paid in whole or in part with monies appropriated by the State, or were awarded on a basis other than a competitive procurement (as that term is defined in the law and regulations). If the awarded contract is subject to OSC review and approval, the contract shall not be valid and enforceable, nor shall the Corporation have any liability of any kind arising from or in connection with the contract, unless and until OSC approval has been received.

Performance

The Contractor's performance will be assessed by the Corporation according to the achievement of the Contractor's contractual obligations in a timely and professional manner, as set forth in the resulting Contract. The Corporation will utilize progress reports and periodic meetings to ensure that the project is carried out on a timely basis and results in effective recommendations and work products.

Contractor warrants that its services shall be performed in accordance with applicable professional standards and that the Contractor shall correct, at no charge to the Corporation, services which fail to meet applicable professional standards and which result in obvious or patent errors in the progression of its work.

Additional Services Requested

The Corporation may, at any time, by written notice, make changes or additions to work or services within the general scope of the contract resulting from this RFP (not to include professional services requiring licenses or specialized expertise such as engineering, architectural, and environmental consulting, abatement, treatment, and testing work) for unanticipated needs. If any such change or addition causes an increase or decrease in the cost of, or in the time required for, performance of the contract, an equitable adjustment may be made in the price using the billing rates set forth in the contract, and the Contractor shall be notified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change; provided however, that the Corporation, if it decides that the facts justify such action, may receive and act upon such claim as asserted at any time. Nothing in this clause shall excuse the Contractor from proceeding with this contract as modified.

Contractor Staff

Contractor staff assigned to work on this project shall be subject to approval by the Corporation. It is highly desirable that staff assigned to work on this project continue to work on this project until completion. The Contractor should notify the Corporation of any proposed changes in staff immediately. The Corporation has an absolute right and discretion to approve or disapprove any proposed changes in staff. The Corporation, in each instance, will be provided with a summary of experience of the proposed substitute and an opportunity to interview that person, prior to giving its approval or disapproval; approval shall not be unreasonably withheld.

The Contractor specifically represents and agrees that its members, officers, employees, agents, servants, consultants, shareholders, and subcontractors have and shall possess the experience, knowledge, and character necessary to qualify them individually for the particular duties performed hereunder.

The Agreement resulting from this RFP is intended to secure the professional services of the Contractor because of its ability and shall not be assigned, conveyed, transferred, or disposed of by the Contractor.

The Contractor agrees not to subcontract any of its services, unless as indicated in its proposal, without the prior written approval of the State Project Manager. Approval shall not be unreasonably withheld upon receipt of written request to subcontract. All employees of the Contractor, or of its Subcontractors, who shall perform Services under this contract, shall possess the necessary qualifications, training, licenses, and permits as may be required within the jurisdiction where the Services specified are to be provided or performed, and shall be legally entitled to work in such jurisdiction. All persons, corporations, or other legal entities that perform Services on behalf of Contractor under the Agreement resulting from this RFP shall, in performing such Services, comply with all applicable Federal and State laws concerning employment in the United States.

XI. CONTRACTUAL REQUIREMENTS

This section contains additional information about the forms that are required to be included in each Respondent's submission pursuant to Section VIII of this RFP, as well as information about ESD's procurement requirements. (For purposes of this Section and the requirements set forth herein, the word "bid" shall mean any submission in response to this RFP, and the word "bidder" shall mean any individual or entity that submits a "bid").

i. Non-Collusive Bidding Certification

In accordance with Section 2878 of the New York State Public Authorities Law, all bidders must certify that they have not colluded with any other Respondents in their proposal.

The required certification can be found at: https://esd.ny.gov/sites/default/files/media/document/NonCollusiveBiddingCertification6-13-25.pdf and must be completed and included in all proposals.

ii. Conflicts of Interest

Respondent must attest it has read, understood and will comply with the following provisions https://esd.ny.gov/sites/default/files/Conflict-of-Interest-Attestation-June-2019.pdf. ESD may disqualify any Respondent to this RFP or terminate any contract entered into as a result of this RFP should ESD determine that the Respondent has violated any of these requirements.

A. Gifts and Offers of Employment: Respondent has not and shall not during this procurement and during the negotiation of any contract resulting from this procurement, offer to any employee, member or director of ESD, any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the offer was intended to influence said employee, member or director, or could reasonably be expected to influence said employee, member or director, in the performance of the official duty of said employee, member or director or was intended as a reward for any official action on the part of said employee, member or director. Respondent may not make any offers of employment or discuss the possibility of such offers with any employee, member or director of ESD who is involved in this procurement and/or resulting contract negotiation within at least 30 days from the time that the employee's involvement in this matter closed.

B. Disclosure of Potential Conflicts: Respondent shall disclose any existing or contemplated relationship with any other person or entity, including relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers/employers of the Respondent or former officers and employees of ESD, in connection with your rendering services

enumerated in this RFP. If a conflict does or might exist, Respondent must describe how it would eliminate or prevent it.

C. **Disclosure of Ethics Investigations:** Respondent must disclose whether it, or any of its members, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any ongoing investigation or disciplinary action by the New York State Commission on Ethics and Lobbying in Government or its predecessor State entities (collectively, "Commission"), and if so, a description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

iii. State Finance Law Sections 139-j and 139-k forms

State Finance Law Sections 139-j and 139-k (collectively, the "Procurement Requirements") apply to this RFP. These Procurement Requirements: (1) govern permissible communications between potential Respondents and ESD or other involved governmental entities with respect to this RFP; (2) provide for increased disclosure in the public procurement process through identification of persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions; and (3) establish sanctions for knowing and willful violations of the provisions of the Procurement Requirements, including disqualification from eligibility for an award of any contract pursuant to this RFP. Compliance with the Procurement Requirements requires that all communications regarding this RFP, from the time of its issuance through final award and execution of any resulting contract (the "Restricted Period"), be conducted only with the designated contact persons listed above; the completion by Respondents of the Offeror Disclosure of Prior Non-Responsibility Determinations, and the Offeror's Affirmation of Understanding and Agreement pursuant to State Finance Law; and periodic updating of such forms during the term of any contract resulting from this RFP.
Respondents must submit the Offeror Disclosure of Prior Non-Responsibility Determinations, and the Offeror's Affirmation of Understanding and Agreement pursuant to State Finance Law as part of their submittal. Copies of these forms are available at:
https://esd.ny.gov/sites/default/files/media/document/SF-Law139-JK-2025.pdf.
The Procurement Requirements also require ESD staff to obtain and report certain information when contacted by Respondents during the Restricted Period, make a determination of the responsibility of Respondents and make all such information publicly available in accordance with applicable law. If a Respondent is found to have knowingly and willfully violated the State Finance Law provisions, that Respondent and its subsidiaries, related or successor entities will be determined to be a non-responsible Respondent and will not be awarded any contract issued pursuant to this solicitation. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract. The designated contact account for this solicitation is referenced on the cover of this RFP.

This is not a complete presentation of the provisions of the Procurement Requirements. All potential Respondents are solely responsible for full compliance with the Procurement

Requirements. Both the prime consultant and any sub-consultants complete the forms required above.

iv. Vendor Responsibility Questionnaire

All Respondents to this RFP must be "responsible," which in this context means that they must have the requisite financial ability, organizational capacity and legal authority to carry out its obligations under this RFP, and in addition must demonstrate that both the Respondent and its principals have and will maintain the level of integrity needed to contract with New York State entities such as ESD. Further, the Respondent must show satisfactory performance of all prior government contracts. Accordingly, the contract to be entered into between ESD and the Respondent, if any, shall include clauses providing that the Respondent remain "responsible" throughout the term of the contract, that ESD may suspend the contract if information is discovered that calls into question the responsibility of the contracting party, and that ESD may terminate the contract based on a determination that the contracting party is non-responsible. On request, model language to this effect will be provided to any Respondent to this RFP.

To assist in the determination of responsibility, ESD requires that all Respondents register in the State's Vendor Responsibility System ("Vend-Rep System"). The Vend-Rep System allows business entities to enter and maintain their Vendor Responsibility Questionnaire information in a secure, centralized database. New York State Procurement Law requires that state agencies award contracts only to responsible vendors. Respondents are to file the required Vendor Responsibility Questionnaire online via the Vend-Rep System or may choose to complete and submit a paper questionnaire. Please include a copy of your Vend-Rep submission receipt or paper questionnaire with your proposal. Your Vendor Responsibility Questionnaire must have been completed within one year of submission of your proposal.

To enroll in and use the Vend-Rep System, please visit: www.osc.state.ny.us/vendrep. For direct Vend-Rep System user assistance, the Office of the State Comptroller's Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at itservicedesk@osc.state.ny.us.

Respondents opting to file a paper questionnaire can obtain the appropriate questionnaire from the Vend-Rep website (http://www.osc.state.ny.us/vendrep/forms_vendor.htm) and execute accordingly pertaining to the company's trade industry. Bidders are required to complete the questionnaire which best matches the business activity (either "Construction" or "Non-Construction") and business type (either "For-Profit" or "Not-for-Profit") from the four (4) available options.

In addition, please see link to EO-192: https://ogs.ny.gov/system/files/documents/2021/09/eo-192-vendor-integrity_0.pdf.

v. Iran Divestment Act

Every Proposal made to ESD pursuant to a competitive solicitation must contain the following statement, signed by the Respondent on company letterhead and affirmed as true under penalty of perjury:

> "By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law."

The list in question is maintained by the Office of General Services. For further information and to view this list please go to: https://ogs.ny.gov/iran-divestment-act-2012.

vi. Executive Order 16

In accordance with New York State Executive Order 16 ("EO-16"), all bidders must certify that they are in compliance with EO-16 prohibiting State Agencies and Authorities from Contracting with Businesses in Russia. EO-16 will remain in effect while sanctions imposed by the federal government are in effect.

> "By submission of a bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is in compliance with EO-16."

The required certification can be found at:
https://esd.ny.gov/sites/default/files/EO16-certification.pdf and must be signed and included in all Proposals.

vii. Executive Order 177

In accordance with New York State Executive Order 177, all bidders must certify that they are in compliance with the New York State Human Rights Law which prohibits discrimination and harassment based on a protected class, and which requires reasonable accommodation for persons with disability or pregnancy related conditions.

The required certification can be found at:
https://esd.ny.gov/sites/default/files/EO-177-Certification.pdf and must be signed and included in all Proposals.

viii. Compliance with State Finance Law Section 139-m

Section 139-m of the New York State Finance Law requires that all vendors bidding or otherwise submitting a proposal for a competitive procurement must implement and attest (via written certification) to a Gender-Based Violence and the Workplace policy. This policy must be in place

at the time for bid or proposal submission set forth in Section V above for a bid or submission to be considered.

The model policy published by the New York State Office for the Prevention of Domestic Violence can be found at: opdv-gbv-workplace-bidder-model-policy_2025.08.28_0.pdf. The required Gender-Based Violence and the Workplace Certification can be found at: https://esd.ny.gov/sites/default/files/media/document/GBVandtheWorkplacePolicyAttestationTemplate-103125.pdf and must be signed and included with all bids, proposals or other submissions.

ix. Encouraging the Use of NYS Businesses in Contract Performance Form

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Respondents for this ESD contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. In order for ESD to assess the use of New York State businesses in each Proposal, ESD requests that each Respondent complete the Encouraging Use of New York State Businesses in Contract Performance form, accessible here: https://esd.ny.gov/sites/default/files/media/document/USEOFNYSBUSINESSES-2025.pdf.

x. Certification under State Tax Law Section 5-a

Any contract resulting from this solicitation is also subject to the requirements of State Tax Law Section 5-a ("STL 5-a"). STL 5-a prohibits ESD from approving any such contract with any entity if that entity or any of its affiliates, subcontractors or affiliates of any subcontractor makes sales within New York State of tangible personal property or taxable services having a value over $300,000 and is not registered for sales and compensating use tax purposes. To comply with STL 5-a, all Respondents to this solicitation must include in their Proposals a properly completed Form ST-220-CA (http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf), or an affidavit (https://esd.ny.gov/sites/default/files/media/document/STL5A-Affidavit-2025.pdf) that the Respondent is not required to be registered with the State Department of Taxation and Finance. Also in accordance with the requirements of STL 5-a, any contract resulting from this solicitation will require periodic updating of the certifications contained in Form ST-220-CA. Solicitation responses that do not include a properly completed ST-220-CA will be considered incomplete and non-responsive and will not be considered for contract award. Only the prime consultant needs to complete Form ST 220-CA, but be advised that Schedule A to Form ST 220-TD (which is required to be submitted in accordance with Form ST 220-CA) requires detailed information from the sub-consultants, such as tax ID number, etc., if applicable. Moreover, if applicable, certificates of authority must be attached by the prime consultant and all the sub-consultants.

xi. Schedule A

Following final selection of a Respondent, ESD will prepare a contract defining all project terms and conditions and the Respondent's responsibilities in conformance with Schedule A. A sample

can be found at: https://esd.ny.gov/sites/default/files/ScheduleA-Services_Materials-3818.pdf

Please note that Respondents should not provide the information/documentation required by Schedule A (aside from any information/documentation otherwise required by this solicitation) with the submission of a proposal. However, Respondents should thoroughly review the terms set forth in Schedule A, which are standard for all ESD contracts, and submit any concerns in writing together with the Respondent's Administrative Proposal. Failure to submit concerns in a timely manner shall be deemed a waiver of any objections to the terms contained in Schedule A and successful Respondents will be required to accept the terms therein as part of the executed contract between the parties.

xii. Project Sunlight

This procurement is subject to the Public Integrity Reform Act of 2011. Under the Public Integrity Reform Act of 2011, "appearances" (broadly defined and including any substantive interaction that is meant to have an impact on the decision-making process of a state entity) before a public benefit corporation such as ESD by a person (also broadly defined) for the purposes of procuring a state contract (as contemplated in this RFP) must be reported by ESD to a database maintained by the State Office of General Services that is available to members of the public. If in doubt as to the applicability of Project Sunlight, Respondents and their advisors should consult the Laws of 2011, Ch. 399 for guidance.

xiii. Insurance Requirements

The selected Respondent will be required to provide the following insurance (at a minimum and to the extent applicable):

- Commercial General Liability of $2 million per occurrence and $4 million in the aggregate;
- In the event that you are using a vehicle in business, Commercial Automobile insurance with a limit of not less than $2 million;
- Professional Liability - $1 million;
- Must show evidence of Worker's Compensation & Employer's Liability insurance at State statutory limits;
- Must show evidence of Disability insurance coverage at State statutory limits;

NYS Urban Development Corporation d/b/a Empire State Development (ESD) must be named as additional insured on a primary and non-contributory basis on all of the following policies: Commercial General Liability and Auto Liability. All policies above should include a waiver of subrogation in favor of ESD.

xiv. W-9 Form

Provide a completed W-9 form (https://www.irs.gov/pub/irs-pdf/fw9.pdf), submit with proposal.

XI. DEBRIEFING OF UNSUCCESSFUL RESPONDENTS

With respect to unsuccessful Respondents, a debriefing is available upon request made within 15 calendar days of notification by ESD that said unsuccessful Respondent's proposal was not selected for an award. Debriefing is typically conducted one of three (3) ways: by video conference, by telephone conference, or through written correspondence. The purpose of the debriefing is to be open and transparent, and to promote future competition. The debriefing should address strengths, weaknesses, and provide other relevant information that ESD used to determine best value, including the qualitative and quantitative analysis used in assessing the relative merits of the proposal. ESD shall not disclose the content of any other proposal(s) during the debriefing that would jeopardize the integrity of the procurement process or impede contract negotiations.