REQUEST FOR APPLICATIONS
DOWNSTATE SEMICONDUCTOR CHIP DESIGN CENTER

Issued: September 10, 2026

Designated Contacts for this Procurement:

Primary Contact: Shanah Jack
Secondary Contact: Ralph Volcy

All contacts/inquiries/questions shall be made by email to the following address: DownstateSemiconductorChipDesign2026@esd.ny.gov. All questions should be made September 22, 2026. Answers will be posted no later than October 2, 2026.

This Request for Applications ("RFA") is posted on the Empire State Development website: https://esd.ny.gov/doing-business-ny/requests-proposals

APPLICATIONS DUE DATE AND TIME:
On or before October 26, 2026, by 2:00 PM EST.

Late applications will not be accepted

I. Introduction

The mission of Empire State Development ("ESD") 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.

A. Project Summary

Semiconductors are foundational to modern life, enabling critical technologies across consumer electronics, defense, healthcare, transportation, clean energy, and advanced computing. Global semiconductor revenues are projected to approach $1 trillion by the end of 2026, underscoring the industry's growing economic and strategic importance. New York has positioned itself at the forefront of this growth through sustained public investment, strong public-private partnerships, and a long-standing commitment to advanced research and applied technology.

Since 2022, semiconductor companies have announced over $124 billion in new investments across upstate New York. This unparalleled growth is cementing New York's position as a global leader in semiconductor manufacturing and innovation. Upstate New York's dramatic semiconductor success is creating an opening for further investment from the fastest growing semiconductor sector - chip design. Activating Downstate's truly world class tech workforce and knowledge economy presents an opportunity to cement New York State as a unique global destination with end-to-end semiconductor excellence from design to manufacturing.

For more than two decades, New York has been a national leader in semiconductor research and development (R&D). Institutions, such as the New York Center for Research, Economic Advancement, Technology, Engineering and Science (NY Creates), have built globally recognized capabilities in applied research, prototyping, and process innovation. The acquisition of a next-generation extreme ultraviolet (EUV) lithography tool further strengthens the State's research infrastructure, enabling advanced experimentation and process development that few locations in the world can match. This robust R&D foundation has supported the growth of semiconductor manufacturing across the State. Major investments by industry leaders, including Micron and GlobalFoundries, leverage the State's research capabilities, infrastructure, energy capacity, and skilled workforce, creating thousands of high-quality jobs and reinforcing New York's role as a cornerstone of the nation's semiconductor supply chain.

Despite New York's strengths in R&D and manufacturing, chip design remains a critical gap in the State's semiconductor ecosystem. This is a significant missed opportunity - the U.S private sector is projected to commit up to $500 billion over the next ten years in semiconductor design-related investments.1Design translates early-stage concepts into functional semiconductor devices and serves as the bridge between innovation and large-scale production; regions with a comprehensive ecosystem that combine design, research, and manufacturing enable ideas to move efficiently from concept to production. Strengthening New York's chip design sector ensures that semiconductor breakthroughs are both conceived and produced locally, maximizing the economic growth that comes from a fully integrated tech ecosystem. Aspiring chip designers and early-stage design firms face significant barriers that make it difficult to leverage these emerging opportunities. Early-stage companies—particularly fabless chip design firms—frequently have limited access to advanced design tools, face high capital costs, and encounter challenges recruiting specialized talent. They may also lack strong connections to manufacturing partners and broader industry networks that are critical for scaling

[1] https://www.semiconductors.org/wp-content/uploads/2022/11/2022_The-Growing-Challenge-of-Semiconductor-Design-Leadership_FINAL.pdf

new technologies. Addressing these gaps will be essential to building a more integrated semiconductor innovation pipeline across New York State.

To address this need, Empire State Development (ESD) will fund the creation of a Downstate Semiconductor Chip Design Center (the "Center"). The Center will leverage downstate New York's dense tech sector and knowledge economy—its universities, research institutions, startups, venture capital, and private-sector partners—to complement the State's established upstate manufacturing and R&D assets. The Center will serve as an integrated hub for chip design activity, supporting education and training for new designers, access to advanced design tools, rapid prototyping and validation of new chip architectures, and the incubation and scaling of chip design and related semiconductor startups.

By convening talent, technology, and industry partners in a single collaborative environment, the Center will strengthen connections across the semiconductor value chain, accelerate innovation, and help ensure that New York remains competitive in a rapidly evolving global industry.

B. Request for Application Schedule

Item	Date
Release of Request for Applications	On or about September 10, 2026
Webinar*	September 17, 2026, at 12:00 PM
Deadline for Submission of Questions	September 22, 2026
Deadline for ESD to Respond to Questions	On or about October 2, 2026
Application Submission **Phase 1 – Concept Paper**	October 26, 2026, by 2:00 PM EST
Phase 2 – Interactive Review Process	On or about November 9 - 20, 2026
Phase 3 – Full Proposals Due	January 11, 2027
Anticipated Selection	February 2027
Anticipated Contract Start Date	July 2027

*To participate, please RSVP at the link below by September 16, 2026:
Webinar Link: GO-SEMI Webinar | Downstate Design Center| Registration

II. Project

A. Program Goals and Objectives

Under this RFA, ESD anticipates selecting one qualified organization to lead the design, construction, development and operation a world-class Semiconductor Chip Design Center located in downstate New York. The creation of the Center may involve multiple partners and could be a new building and/or the expansion or modification of an existing structure. "Downstate", in the context of this RFA, shall refer to the counties of Putnam, Dutchess, Orange, Rockland, Westchester, Nassau, Suffolk, and the five boroughs of New York City.

Applicants are expected to deliver against the following program objectives:

Center Establishment and Operations

- Build and manage a physical semiconductor chip design center in downstate New York.

- Establish a sustainable operating model that leverages State support alongside industry, academic, and philanthropic partnerships.

Access to Advanced Chip Design Tools and Infrastructure

- Provide shared access to industry-standard electronic design automation (EDA) tools, computing resources, and secure design environments.
- Reduce barriers to market entry for early-stage firms, academic teams, and emerging designers who lack the resources to independently access advanced design platforms.

Chip Design Research, Prototyping, and Validation

- Support innovation in early-stage chip design, including architecture development, design verification, and pre-manufacturing validation.
- Facilitate pathways to fabrication by connecting design efforts with manufacturing and prototyping resources.

Startup Incubation and Commercialization Support

- Incubate and/or accelerate chip design and related semiconductor startups by providing access to design tools, guidance on intellectual property strategy, information on commercialization pathways, and connections to investors and strategic partners.

Workforce Development and Talent Pipeline

- Deliver training programs that prepare New York residents for high-skill chip design roles, including upskilling and/or reskilling opportunities.

Performance Measurement and Reporting

- Establish metrics to track outcomes, including number of startups supported, designs advanced, and partnerships formed.
- Provide regular reporting to New York State on progress, challenges, and impact.

B. Eligibility Requirements

To be eligible to receive grant proceeds from ESD, an applicant must meet the following minimum qualifications:

- Be in good standing with the State of New York and ESD.
- Be a 501(c)(3) nonprofit organization, including academic or research institutions.
- Consortia comprised of two or more eligible entities may apply. Any consortia application must have one lead Applicant who, if awarded, will act as the fiscal agent and will be responsible for all contractual obligations with ESD.

C. Grant Funding and Project Timeline

A grant of up to $25 million is available for capital costs, including:

- New construction, renovation or leasehold improvements;
- Machinery and/or equipment;
- Demolition and environmental remediation;
- Furniture and fixtures;
- Soft costs of up to twenty-five percent (25%) of costs related to the eligible capital expenditures; and
- Other costs and expenditures deemed eligible by ESD.

Ineligible Expenses:

- Developer fees;
- In-kind costs;
- Overhead and indirect costs, including but not limited to:
  - Salaries and wages;
  - Rent/lease costs;
  - Marketing or advertising media costs;
- Costs associated with completing an application; and,
- Other costs / expenditures deemed ineligible by ESD.

ESD reserves the right to award grants in amounts greater or less than the above listed figures and/or at a varying schedule depending on the number and quality of applications received and other considerations set forth in this RFA.

There is no cost-match requirement associated with this grant.

D. Data Collection

Applicants awarded grant funding will be required to track and record information relevant to the success of this grant. Data will be made available to ESD as requested. Data points to be captured and tracked are at the discretion of ESD.

III. Application Process and Information

ESD intends to conduct this application process through a progressive, multiphase competitive selection process. The approach is designed to:

- encourage innovative concepts
- reduce proposal development costs for applicants
- facilitate meaningful dialogue between ESD and applicants
- evaluate organizational readiness, leadership, facilities, and partnerships; and
- strengthen full proposals through constructive feedback prior to final submission

Advancement to subsequent phases is solely at the discretion of ESD. ESD reserves the right to modify the process, eliminate applications at any phase, request supplemental information, conduct additional interviews or site visits, or terminate the application process without making an award.

Phase 1 – Concept Paper

The Applicants must provide a ten page (10) narrative that includes the information below. Submitted applications are expected to be written succinctly. The purpose of Phase 1 is evaluate strategic merit and overall competitiveness of each proposed Center. The concept paper should not exceed ten (10) pages and should emphasize strategic approach, rather than detailed implementation plans across the following areas:

- Value Proposition to Industry and to NYS: Understanding of the industry demands/challenges and the addressable market needs to be served by the proposer's downstate chip design center.
- Team: Consortia composition and proposal partners

- The Project: Description and location of center facilities
- The Impact: Vision and mission for providing barrier-free access to advanced chip design tools and resources to students, career explorers, innovators and entrepreneurs.
- The Proposal: Win Themes for the proposal

Following the evaluation of concept papers, ESD may select one or more applicants to advance to Phase 2.

Phase 2 – Interactive Review Process

Selected proposal teams may be invited to participate in an interactive review process. The purpose of this phase is to allow ESD to better understand each proposed Center and to provide proposers with an opportunity to clarify, refine, and strengthen their proposed approach prior to the submission of a full proposal.

The interactive review process may include some or all of the following:

- In-person executive presentation
- Question and answer session
- Leadership interview
- Consortia partner discussion
- Governance discussion
- Financial discussions
- Facility tours
- Meetings with lead applicant leadership
- Meetings with industry partners
- Meetings with workforce and startup/innovation partners

ESD may request additional information before, during and after these sessions. Participation in the Interactive Review Process shall not constitute negotiations nor guarantee advancement to the next phase.

Following completion of the interactive review process, ESD may provide written or oral observations, requests for clarification, recommendations or suggested areas for further development. Such feedback is intended to improve proposal quality and alignment with the objectives of this solicitation. Applicants are encouraged to address the feedback in their full proposal. ESD is not obligated to identify every weakness or deficiency during this phase.

Phase 3 – Invitation to Submit Full Proposal

Following the completion of Phase 2, ESD may invite one or more interactive finalists to submit a full proposal. The full proposal shall present a comprehensive implementation plan that incorporates, where appropriate, information exchanged during the interactive review process.

A. Executive Summary

In this section, Applicants should provide a one-page executive summary of the proposed project.

B. Proposal (30 page minimum)

- **Center Establishment and Operations**

  In this section, Applicants should demonstrate their experience and capacity to create and operate the Center by providing the following:

- Background and credentials of staff that will lead and operate the Center;
- Details of the Applicant's past capital projects focused on promoting high-tech innovation (if applicable);
- Whether the Center will be a new building or an expansion of an existing building, as well as the projected timeline for construction;
    - If an expansion: explain the full range of operations for the current building and how the Center's operations will be incorporated. Specify if any existing operations in the building will remain programmatically isolated from the Center.
- How the proposed location will maximize participation opportunities downstate (e.g., proximity to mass transit options). Specify if any of the Center's services will be available virtually;
- The range of individuals and organizations that will utilize the Center, specifically detailing how Center resources will be available to entities not directly affiliated with the Applicant;
- Any anticipated fee structures for individuals or companies using the Center (if applicable); and,
- Plans to support Center operations long-term, both financially and programmatically.

- **Industry Expertise and Partnerships**

In this section, Applicants should demonstrate their experience and capacity to create and foster partnerships relevant to the Center by providing the following:

- Any existing or planned partnerships with businesses or organizations that would support the goals of the Center as stated in this RFA;
- How the Applicant will ensure the Center operations incorporate the latest industry advances and demands related to chip design;
- Plans to manage intellectual property agreements related to any co-development projects, prototype chip designs, or applied R&D initiatives with private-sector partners; and,
- Ability to implement a comprehensive communications plan with relevant entities to raise awareness of the Center's capabilities, services, and programs.

- **Access to Advanced Chip Design Tools and Infrastructure**

In this section, Applicants should demonstrate the types and quantities of chip design-related equipment and software that will be available at the Center, including, but not limited to:

- Software for design, simulation, verification, and layout;
- Prototyping platforms;
- Measurement and test equipment;
- Power Supplies & Data Acquisition Systems;
- High-performance computing; and/or
- Other relevant design or lab equipment. (The Applicant should specify which equipment is already owned by the Applicant (if any) and which equipment would be purchased, if selected as the awardee.)

- **Startup Incubation and Workforce Development**

In this section, Applicants should demonstrate their experience offering incubation and workforce development services by providing the following:

- Experience in cultivating and supporting early-stage, high-tech companies, particularly those specializing in semiconductor chip design;

- Expectations for the number of companies that will be supported by the Center each year, as well as the description of the specific services and supports available to those companies;
- Plans to recruit, engage, and retain mentors, industry experts, and other human capital critical to the success of participating startups;
- Plans to manage intellectual property agreements related to any incubation services;
- Ability to facilitate pathways to fabrication by connecting design efforts with manufacturing and prototyping resources;
- Plans to deliver structured chip design curriculum for current students and/or returning professionals;
- Ability to provide project-based experiences, including prototyping, simulation exercises, and collaborative design projects with industry partners; and,
- Ability to support internship and job placement opportunities (if applicable).

- **Budget – Capital and Operations**

In this section, Applicants should provide the proposed budget, including the breakdown of costs for physically building the Center (construction) versus costs for design tools and related equipment. Please attach a 3-year operating and capital proforma using the spreadsheet set forth in Exhibit 1.

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- **Timeline**

In this section, Applicants should provide the proposed timeline, including the main milestones for physically building the Center (construction) as well as anticipated milestones for design tool delivery and installation; and access, programs and services launch (coming online / being offered).

IV. Review Criteria

The section for award will be based on best value to ESD and will consider factors including but not limited to:

1. Ability to Perform
    a. Experience of the Applicant Institution and the staff proposed to execute the Application Scope of Work.
    b. How well the organization meets the qualification requirements addressed in this RFA.
    c. Access to data and resources to accomplish the Application Scope of Work.
2. Knowledge of Advanced Industry Sectors
    a. Knowledge, experience and skills of the organization and the staff proposed to undertake advanced industry sector studies.
3. Project Readiness and Workplan
    a. Overall work/action plan.
    b. Measurable deliverables and completion dates.
4. Use of Funds
    a. Quality of the applicant institution's justification/rationale for the use of the requested funds.

5. Proposal Clarity
    a. Quality of proposal's organization, clarity and adherence to page limitations.
6. References
    a. Quality of references that can substantiate the quality of the Bidder's work to be considered for an award of this project.

V. SUBMISSION OF APPLICATIONS

All applications should be submitted via email to **DownstateSemiconductorChipDesign2026@esd.ny.gov** no later than October 26, 2026, 4:00 PM EST. Applicant subject line should state: "[*Name of Applicant] – RFA, Downstate Design Center".*

VI. QUESTIONS

All questions, comments, requests for clarification or any other communication regarding this RFA must be submitted by email to **DownstateSemiconductorChipDesign2026@esd.ny.gov** no later than September 22, 2026. Your subject line should state: "[*Name of Applicant] – RFA Inquiry, Downstate Design Center".*

VII. GENERAL PROVISIONS

The issuance of this RFA and the submission of a response by an applicant 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 RFA;
ii. revise any requirement of this RFA;
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 Bidder;
vii. communicate with any Bidder 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 RFA, if ESD determines in its sole discretion that it is its best interest to do so; and
ix. extend the term of any agreement on terms consistent with this RFA.

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 RFA will be at the sole cost and expense of the Bidder.

All information submitted in response to this RFA 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 an application, each Applicant waives any and all claims against ESD relating to ESD's retention or use of the Response Information.

VIII. GENERAL GRANT AWARD TERMS AND CONDITIONS

Applicants selected through this competitive solicitation may be invited by Empire State Development ("ESD") to submit an application for grant funding of up to Twenty-Five Million Dollars ($25,000,000) to support the proposed project. Selection through this solicitation does not constitute an award of grant funding and does not create any entitlement to receive State financial assistance.

Any grant awarded pursuant to this solicitation shall be contingent upon the availability of funds and subject to all applicable State laws, regulations, ESD policies, and required approvals. Successful applicants shall be required to complete ESD's standard grant approval and contracting process, which includes, but is not limited to:

- Submission of a complete grant application and all required supporting documentation;
- ESD staff review and due diligence;
- Non-Discrimination and Contractor & Supplier Diversity requirements (see Section IX, item 6).
- Approval by the ESD Board of Directors, as applicable;
- Satisfaction of all applicable statutory requirements, including any required public hearing in the locality where the project is to be located;
- Execution of a Grant Disbursement Agreement establishing the terms and conditions of the award.
- Subgrantee awards are the sole responsibility the applicant and must ensure all ESD terms and conditions flow down.
- Recapture terms will apply for five (5) years

Unless otherwise approved by ESD, grant funds shall be disbursed on a reimbursement basis for eligible project costs incurred in accordance with the executed Grant Disbursement Agreement. Reimbursement requests for ESD's pro rata share of total project costs may be submitted no more frequently than quarterly and must be supported by documentation demonstrating eligible expenditures and satisfactory project progress.

Recipients will be required to submit annual performance reports for a period of up to five (5) years following project completion, or such other period specified in the Grant Disbursement Agreement. Annual reports shall document the recipient's progress toward achieving the approved project objectives, performance measures, and anticipated economic and public benefits.

The Grant Disbursement Agreement will include performance milestones, reporting requirements, record retention provisions, audit rights, and such other standard ESD terms and conditions as ESD determines appropriate. The Grant Disbursement Agreement will also include recapture and repayment provisions authorizing ESD to reduce, withhold, or recover grant funds in whole or in part if the recipient fails to satisfy material program requirements, contractual obligations, or approved performance commitments.

IX. SUBMISSION REQUIREMENTS

Procurement Forms and Requirements

Additional requirements for this RFA are described below. Relevant forms, where required to be submitted, must be executed and included in the submission in the same order as listed below:

1. Conflict of Interest
2. 139 J&K
3. Vendor Responsibility Questionnaire
4. Compliance with State Finance Law Section 139-m
5. Insurance Requirements
6. Non-Discrimination and Contractor & Supplier Diversity Requirements
7. W-9

1. Conflicts of Interest

Applicant 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 shall have the right to disqualify any Applicant to this RFA or terminate any contract entered into as a result of this RFA should ESD determine that the Applicant has violated any of these requirements.

A. Gifts and Offers of Employment: Applicant 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. Applicant 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: Applicant 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 Applicant or former officers and employees of ESD, in connection with your rendering services enumerated in this RFA. If a conflict does or might exist, Applicant must describe how it would eliminate or prevent it.

Disclosure of Ethics Investigations: Applicant 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 Public Integrity 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.

2. State Finance Law Sections 139J and 139K forms

State Finance Law Sections 139-j and 139-k (collectively, the "Procurement Requirements") apply to this RFA. These Procurement Requirements: (1) govern permissible communications between potential Bidders and ESD or other involved governmental entities with respect to this RFA; (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 RFA. Compliance with the Procurement Requirements requires that all communications regarding this RFA, 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 Bidders of the Offeror Disclosure of Prior Non-Responsibility Determinations, and the Offeror's Affirmation of Understanding and Agreement pursuant to State Finance Law (each form is accessible at the Required Forms for Vendors link at the ESDC web site under "RFAs/RFQs"); and periodic updating of such forms during the term of any contract resulting from this RFA.
Bidders 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/CorporateInformation/Data/RFAs/RequiredForms/SF_Law139_JK.pdf.
The Procurement Requirements also require ESD staff to obtain and report certain information when contacted by Bidders during the Restricted Period, make a determination of the responsibility of Bidders and make all such information publicly available in accordance with applicable law. If a Bidder is found to have knowingly and willfully violated the State Finance Law provisions, that Bidder and its subsidiaries, related or successor entities will be determined to be a non-responsible Bidder 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 RFA.

This is not a complete presentation of the provisions of the Procurement Requirements. A copy of State Finance Law Sections 139-j and 139-k can be found at:
http://esd.ny.gov/CorporateInformation/Data/RFAs/RequiredForms/PermissibleContactsPolicy_Jan2007.pdf. All potential Bidders are solely responsible for full compliance with the Procurement Requirements. Both the prime consultant and any sub-consultants complete the forms required above.

3. Vendor Responsibility Questionnaire

All Applicants to this RFA 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 RFA, and in addition must demonstrate that both the Applicant and its principals have and will maintain the level of integrity needed to contract with New York State entities such as ESD. Further, the Applicant must show satisfactory performance of all prior government contracts. Accordingly, the contract to be entered into between ESD and the Applicant, if any, shall include clauses providing that the Applicant 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 Applicant to this RFQ.

To assist in the determination of responsibility, ESD requires that all Applicants to this RFA 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. Applicants 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.

To enroll in and use the Vend-Rep System, see the System Instructions available at www.osc.state.ny.us/vendrep or go directly to the Vend-Rep system online at https://portal.osc.state.ny.us. 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 helpdesk@osc.state.ny.us.

Applicants 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. Per the website, Applicants are to "Select the questionnaire which best matches the business type (either For-Profit or Not-For-Profit) and business activity (Construction or Other)."

4. 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.

5. Insurance Requirements

Based on review of the final construction scope of work the qualified organization will be required to have their prime construction contractors provide the following insurance (at a minimum and to the extent applicable) during the construction phase:

- Commercial General Liability Construction of $5 million per occurrence and $10 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 $5 million;
- Umbrella/Excess Liability - $25 million - $100 million (for large multi-year projects additional aggregate maybe required);
- Railroad Protective Liability - $2 million per occurrence/$6 million aggregate (for contracts when work is within 50 feet of tracks);
- Contractor's Pollution Liability - $5 million for hazardous or regulated material;
- Pollution Legal Liability - $2 million for disposal on non-owned site;

- Marine Protection and Indemnity - $5 million per occurrence/$10 million aggregate (if work on or over navigable waterways);
- Builder's Risk/Installation Floater – total contract cost;
- Cyber Professional Liability - $3 million, for contracts with data access;
- Professional Liability - $2 million;
- Architects and Engineers Professional Liability - $2 million;
- Valuable Papers - $500,000, for A&E consultants;
- Contractor's Protective Professional Indemnity (CPPI) Insurance - $5 million, if Design Build CM;
- 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;

At the conclusion of construction the qualified organization should provide the following coverages:

- Premises Commercial General Liability of $2 million per occurrence and $4 million in the aggregate;
- Property Insurance – Property Value;
- Flood Insurance – Maximum coverage available for project (if property is located in a flood hazard zone);
- 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, Auto Liability, and Umbrella/Excess Liability. All policies above should include a waiver of subrogation in favor of ESD.

6. Non-Discrimination and Contractor & Supplier Diversity Requirements

Pursuant to New York State Executive Law Article 15-A and Article 3 of New York State Veterans' Services Law, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises (MWBEs) and service-disabled veteran-owned businesses (SDVOBs) in the performance of ESD projects.

ESD has an agency-wide 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). ESD has an agency-wide goal of 6% for SDVOB participation, based on the current availability of qualified SDVOBs.

Specific MWBE and SDVOB goals related to the total value of ESD's funding will be established on a grant-by-grant basis. The Recipient will be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8 and 9 NYCRR § 252.2(n) to achieve MWBE and SDVOB Participation. In addition, ESD's MWBE and SDVOB Participation/Equal Employment Opportunity Policy will apply to this program.

7. W-9 Form

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

Glossary of Terms Used Throughout the RFA

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

Applicant: An eligible Partner, Partner Organization, University, or University-Affiliated Research Institute, or a collection of such institutions requesting designation as an SBIR Center under this RFA.

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

Award Recipient/Grantee: An Applicant that is selected for award by ESD under this RFA.

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

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.

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 Center's assistance or (2) directly benefit from the Center's assistance. The Center's assistance must also demonstrably enhance the company's economic activity in New York.

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.

Required Forms

- RFA Application

APPENDIX C: Administrative Proposal (Contractual Requirement Forms)

1. **Conflict of Interest Form**

   https://esd.ny.gov/sites/default/files/Conflict-of-Interest-Attestation-June-2019.pdf

2. **139 J&K**

   https://cdn.esd.ny.gov/CorporateInformation/Data/RFAs/RequiredForms/SF_Law139_JK.pdf

3. **Vendor Responsibility Questionnaire –**
   https://www.osc.state.ny.us/state-vendors/vendrep/vendor-responsibility-forms

4. **W9 Form -**
   https://www.irs.gov/pub/irs-pdf/fw9.pdf