



**Empire State  
Development**

# **REQUEST FOR APPLICATIONS**

## **ENTREPRENEURSHIP ASSISTANCE CENTERS PROGRAM**

Issued: **April 26, 2024**

Designated Contacts for this Procurement:

Primary Contact:               Ralph Volcy  
Secondary Contact:           John Discolo

All contacts/inquiries shall be made by email to the following address:  
[EACRFA2024@esd.ny.gov](mailto:EACRFA2024@esd.ny.gov).

Proposals must be sent to the designated Dropbox:

<https://www.dropbox.com/request/nWOkL3uMNEjdUeLKOrP>

This RFP 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 **May 20, 2024**

**Late applications will not be accepted.**

## **Glossary of Terms Used Throughout the Response for Applications (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:** Eligible not-for-profit corporations, including local development corporations, chambers of commerce, community-based business outreach centers and other community-based organizations, universities, community colleges, or university/college-affiliated organizations, and boards of cooperative educational services, or a collection of such institutions designated 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 under this RFA.

**Business Model Canvas / Lean LaunchPad methodology:** The official EAC entrepreneurship curriculum customized after the Lean LaunchPad methodology designed by Steve Blank, based off the framework of the [Business Model Canvas](#) created by Alexander Osterwalder.

**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 II.C. of this RFA for specific Matching Funds requirements.

**ESD:** Empire State Development is the umbrella organization for economic development activity and includes both the New York State Department of Economic Development ("DED") and the New York State Urban Development Corporation d/b/a Empire State Development ("ESD"); grant funding (contracts) through this competition will be administered by (through) ESD.

**Micro Business:** A New York State Company independently owned and operated, not dominant in its field and employs ten or less persons.

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

**Small Business:** 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.

**Socially and Economically Disadvantaged Individuals** shall be defined in accordance to the definition outlined by the U.S. Treasury and available at the below link.

[SEDI-Definition-Certification.pdf \(ny.gov\)](#)

## 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

The Entrepreneurship Assistance Centers (“EAC”) Program was established under the Omnibus Economic Development Law of 1987 to provide services to entrepreneurs and small businesses in New York State that are seeking to: start or are starting their own business; or expand their early-stage business. ESD is seeking Requests for Applications to make grant awards to qualified New York-based not-for-profit corporations, including local development corporations, chambers of commerce, community-based business outreach centers and other community-based organizations, universities, community colleges, or university/college-affiliated organizations, and boards of cooperative educational services (hereafter referred as “organizations”) in good standing to establish, develop and manage an EAC Program.

The EAC Program or Project is funded from the New York State Annual Budget and is subject to the availability of annual appropriation. ESD intends to make grant awards of up to \$173,000 to qualified New York-based organizations in good standing to establish, develop and manage an EAC Program.

The Project will commence July 1, 2024 and will be renewed for up to two (2) additional years, subject to the availability of New York State Annual Budget appropriation, upon ESD’s sole discretion and determination of the EAC’s successful annual completion of Program goals. If funding availability increases or decreases during the designation period, ESD will work with the designated EAC to adjust budgets accordingly.

### B. Request for Application Schedule

<b>Application Schedule</b>	<b>Date</b>
<b>Release of Request for Applications</b>	April 26, 2024
<b>Information Session</b> (Email: <a href="mailto:EACRFA2024@esd.ny.gov">EACRFA2024@esd.ny.gov</a> to request invitation to session)	May 6, 2024 at 3 PM EST RSVP by May 3, 2024
<b>Deadline for Submission of Questions</b>	May 10, 2024
<b>Deadline for ESD to Respond to Questions</b>	May 13, 2024
<b>Submission of Applications</b>	May 20, 2024
<b>Anticipated Announcement of Selections</b>	June 20, 2024
<b>Anticipated Contract Start Date</b>	July 1, 2024

## II. PROJECT

### A. Program Objectives

The EAC Program emphasis is on helping entrepreneurs and small business owners develop lasting businesses and acquire problem-solving skills so that socially and economically disadvantaged individuals (“SEDI”), minority, women, veterans, and individuals with special needs learn to independently and successfully manage and grow and generate concrete results related specifically to business creation, increased sales, expanded employment, and securing financing.

ESD seeks applications from qualified community-based organizations that are established in their communities, have close ties with local residents, and can adapt their services to meet needs and demands of the community. ESD will consider applications from organizations located in New York State and in an area accessible to SEDI, minority group members, women, and other target populations. ESD will balance individual application scores with priorities for geographic distribution across New York State.

- ESD cannot consider assistance for project activities commenced or committed to prior to July 1, 2024 or without the grantee's written acceptance of an offer of award from ESD;
- Submission of an application does not guarantee funding and ESD in its sole discretion reserves the right to award partial funding or no funding to the project;
- ESD staff may request additional information or clarification, including financial projections; and
- Previously issued awards do not guarantee awards in this or future EAC grants.

## B. Program Goals

Applicants must be able to meet the following goals:

- Increase business ownership and business expansion among small businesses, with special emphasis on SEDI, minority group members, women, veterans, and those that operate in distressed and highly distressed communities;
- Connect small businesses to relevant New York State, federal, municipal, or local programs and resources;
- Provide technical assistance to small businesses to develop business strategies for outreach and consumption, maintain revenue and retain employees, with special emphasis on SEDI, minority and women-owned firms;
- Provide one-on-one counseling at least one evening per week to accommodate participants who do not have the availability during standard working hours;
- Provide a minimum of two (2) business plan training cohorts employing the Business Model Canvas / Lean LaunchPad (BMC/LLP) curriculum;
- Facilitate the creation/retention of private sector jobs;
- Increase access to financing by SEDI, minorities, women, veteran owned firms; and
- Significantly expand sales among SEDI, minority, women, and veteran owned firms.

<b>ENTREPRENEURSHIP ASSISTANCE (EAC) PROGRAM GOALS</b>	
The EAC Program is administered through a performance-based granting system that is designed to generate measurable concrete results in business creation, sales increases, increased access to financing, and job creation. EACs are expected to meet or exceed these requirements within the grant year.	
<b>OURTREACH PERFORMANCE &amp; ECONOMIC GOALS</b>	<b>TOTAL GOALS</b>
New Enrollments	56
New Enrollment - Veterans	4
New Businesses Registered	20
New Businesses Started (Registered & Generating \$1 in sales)	10
Businesses Saved	15
<b>FINANCIAL ASSISTANCE GOALS</b>	
# of Loans Developed	14
# of Loans Secured	10
\$ Amount of Loans Secured	\$300,000
<b>TECHNICAL ASSISTANCE GOALS</b>	
# of Clients Trained (at least 2 business plan cohorts) & Counseled	100
Business Plans Completed	25
MWBE Certification Applications Submitted	8
New Mentees Enrolled	40
# Active Mentors	4
# of Mentor/Mentee Matches	20
<b>ECONOMIC GROWTH GOALS</b>	
Sales - # of Firms with Increased Sales	20
Sales- \$ Amount of Increased Sales	\$580,000
Jobs Created - # Firms increasing new hires	12
Jobs Created - # of New Hires	16
Retained Employment - # Firms Retaining Employees	15
Retained Employment - # of Retained Employees	20

**C. Eligibility Requirements**

To be eligible to receive grant proceeds from ESD, an applicant must be either:

- A not-for-profit corporation, including a local development corporation, chamber of commerce, community-based business outreach center and other community-based organization, operated by a board of directors representing community leaders in business, education, finance, and government;
- A community college or university, or a university/college-affiliated organization;
- A Board of Cooperative Educational Services; or
- A joint venture formed between a community-based organization, local government, private and public lender, or other service provider in the region.

**D. Grant Funding and Project Timeline**

i. Funding

	Awards Up To
<b>Entrepreneurship Assistance Centers Program</b>	\$173,000

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 availability of programmatic funding, number and quality of applications received and other considerations set forth in this RFA.

There is a 20% cost-match requirement, 10% in-kind and 10% cash, associated with this grant.

ii. Eligible Expenses

Eligible activities include but are not limited to:

- Marketing and outreach to increase awareness of the entrepreneurial training program;
- Planning and executing training curriculum, courses, webinars, workshops, and seminars (may be focused on a specific industry area or more general training);
- Planning and offering follow-up support, including one-on-one business counseling, networking events and conferences, etc.; and
- Collecting and reporting required metrics and data to determine the effectiveness of various activities supported under this program.

iii. Project Start Date: July 1, 2024 and Project End Date: August 31, 2025.

**E. 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 include:

- Individuals participating in business plan training, workshops, and seminars;
- Individuals receiving one-on-one counseling and technical assistance;
- Survey responses from trainees;
- Businesses formed; and
- Other economic data impact goals are at the discretion of ESD.

**III. EAC RFA APPLICATION**

**EAC PROGRAM BUDGET FUNDING** - complete a budget for \$173,000 (please use whole dollar amounts). For ESD EAC Program Funds, please contain entire program budget within these four line items. Costs are for direct costs of operating the EAC Program. ESD Funds must be matched 20% (at least \$34,600). For EAC Program Match Funds, contributions can be either cash, in-kind, or a combination of both (with at least 50%, or \$17,300 in the form of a cash match).

<b>ESD ENTREPRENEURSHIP ASSISTANCE CENTERS (EAC) PROGRAM APPLICATION</b>				
<b>SECTION A: EAC PROGRAM BUDGET TEMPLATE:</b>				
Please insert Budget Amounts in appropriate columns and calculate totals across and down				
<b>USE OF FUNDS</b>	<b>ESD EAC Program Funding<sup>1</sup></b>	<b>EAC Program Cash Match<sup>2</sup></b>	<b>EAC Program In-Kind Match<sup>3</sup></b>	<b>TOTAL ACROSS</b>
Salaries & Fringe				\$
Consultants				\$
Technical Assistance				\$
Administration				\$
<b>TOTAL Down</b>	\$	\$	\$	\$

<sup>1</sup>**ESD EAC Program Funds:** \$173,000. In Salaries & Fringe, allocate for a dedicated full-time program manager.

**20% EAC Program Match Funds:** Cash Match and In-Kind Match must total \$34,600.

<sup>2</sup>Cash match portion must constitute at least half of the total match required and may go up to 100% of total match (i.e., a minimum of \$17,300 and up to the entire \$34,600); match must be from any non-New York State source.

<sup>3</sup>In-Kind match may be from 0% and no more than half or 50% of the total match requirement. In-Kind funds are for contributed services that the organization has not paid for but recognizes an equivalent market value (\$0 up to maximum \$17,300).

**NOTE:** Once your budget is approved, any variance over 6% requires formal notification and approval. Variances of 6-9.9% in line items require a formal request for a budget modification; 10%+ changes requires a contract amendment.

ESD has the right to review all expenses and deny the reimbursement of any expenses that are deemed ineligible.

List Proposed EAC Program Staff	Title	Annual Gross Pay	Amount Allocated to EAC Salaries
TOTAL			

Please provide a narrative that includes information in the following order and format. Submitted applications are expected to be clearly written. If application exceeds the 10 page limit and/or include materials not requested by the RFA, ESD will remove the extra pages and/or materials prior to the review. During the review process, applicants may be requested to submit additional written documents to answer questions or provide clarification of issues raised during the review process.

SECTION B: ORGANIZATION INFORMATION				
1	Legal Name of Organization			
2	Organization Address City / State / Zip			
3	Organization County			
4	DBA name if applicable			
5	Applicant Contact Name and Title			
6	Applicant Contact Address City / State / Zip			
7	Applicant Phone Number		Contact Email:	
8	<b>Form of Business:</b> (Indicate with "Y" on one of the following choices in shaded box)			
	<input type="checkbox"/>	Business Corporation	<input type="checkbox"/>	BOCES (Board of Cooperative Educational Service)
	<input type="checkbox"/>	Not-for-Profit	<input type="checkbox"/>	College
	<input type="checkbox"/>	Local Development Corporation	<input type="checkbox"/>	University
	<input type="checkbox"/>	Other – Please Indicate:		
9	Federal Tax ID Number:			
10	DUNS Number			
11	NYS Charity Registration #			
12	NYS Unemployment Insurance #			
13	Statewide Financial System <a href="https://grantsmanagement.ny.gov/register-your-organization-sfs">https://grantsmanagement.ny.gov/register-your-organization-sfs</a>	YES	Last Date updated:	
		NO	If no, Please Explain	
		Not Applicable (Please explain)		
14	Project Counties Covered			
15	Project Location Assembly District #	<input type="checkbox"/>	Member Name	
16	Project Location Senate District #	<input type="checkbox"/>	Member Name	
17	If the organization is currently funded or is seeking any other New York State assistance, please list below all New York State funding:			
	OTHER ESD FUNDING: List any other prior relevant New York State assistance applied for or received for the past five years.			



<b>18</b>	<b>PREVIOUS ESD FUNDING (through Entrepreneurship Assistance Centers (EAC) Program)</b> If the applicant has previously received funding through the EAC Program, please insert the number of clients served and graduates. Previous recipients must have met or exceeded project goals. If awarded funds for the new project, funds will only be disbursed upon favorable completion and reconciliation of final reimbursement report from previous projects. Previously issued awards do not guarantee awards in this or future EAC grants.		
	EAC Final Report Stats last completed fiscal year	Total Clients Served	Total graduates
<b>19</b>	Insert interim or audited financial data for the last three years. (Balance Sheet, Income Statement, Cash Flow Statement) Please summarize below the financial amounts for each year indicated:		
	<b>Financial Data</b>	<b>Year:</b>	<b>Year:</b>
	<b>Assets</b>		
	<b>Liabilities</b>		
	<b>Fund Balance</b>		
	<b>Gross Revenues</b>		
	<b>Total # Projects</b>		
	<b>Number of Staff</b>		

<b>SECTION C: APPLICATION – AUTHORIZED SIGNATORY</b>		
The organization's authorized signatory undersigned does/do solemnly affirm that to the best of my/our knowledge, information and belief, all statements, in this application, including all schedules, appendices and additional information submitted in connection herewith, are true and accurate. My/Our signature(s) indicate total agreement to all the terms and conditions stated in this Application are accepted.		
<b>Authorized Signature #1:</b>		<b>Date:</b>
<b>Print Name</b>		<b>Title:</b>
<b>Authorized Signature #2:</b>		<b>Date:</b>
<b>Print Name</b>		<b>Title:</b>
<b>Name of Organization</b>		

**SECTION D: EXECUTIVE SUMMARY (2 Page maximum)**

**SECTION E: PROPOSAL** (10 page maximum addressed in the following order)

- a. Organization's experience and qualification
  - i. Demonstrate the knowledge, expertise and experience of cultivating and supporting entrepreneurs.
  - ii. Offer an action plan for achieving the program goals.
  - iii. Offer strategic partners and how they strengthen the organization.
- b. Describe any challenges your organization has experienced in servicing this targeted group.
- c. Services to entrepreneurs and timeline
  - i. Give details about your training curriculum, and how it aligns with the Business Model Canvas / Lean LaunchPad methodology.
  - ii. Describe your technical assistance and one-on-one support and how they will be provided.
- d. Project readiness and workplan
  - i. Demonstrate staff's knowledge, ability, and role.
  - ii. Respondent should also provide a detailed plan identifying any and all subcontracting opportunities associated with this project.
  - iv. Describe how your services will be developed, marketed, implemented, and tracked.
  - iv. Describe why your organization needs this grant.
- e. Use of funds

**SECTION E: PROPOSAL (10 Page maximum)**

Assemble the application in the following order:

1. Cover page
2. Table of Contents
3. EAC Application:
  - a. EAC Program Budget
  - b. EAC Organization Information
  - c. Authorized Signatory
  - d. Executive Summary (2 page maximum)
  - e. Proposal (10 page maximum)
4. Appendix C: Administrative Proposal (Contractual Requirement and Procurement Forms - separate file)

#### **IV. Review Criteria and Process**

ESD will balance individual application scores.

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

##### **A. Review Criteria**

1. Organization, experience, historical track record, and qualifications (20 points)
2. Staff experience and qualifications (30 points)
3. Project plan, approach, methodology, readiness for implementation (30 points)
4. Cost proposal and budget/ use of funds (10 points)
5. Diversity Practices Scoring (10 points)
  - a. ESD's Office of Contractor and Supplier Diversity will score each application for Diversity Practices. Up to 10 points will be awarded based upon the contents of the Diversity Practices Questionnaire Appendix D, submitted by each Respondent to the RFA.

##### **B. Review Process**

Reviewers will consist of ESD staff. The reviewers will adhere to the process described in this section and will apply the review criteria detailed above. ESD will limit the number of proposals a reviewer is required to evaluate. Each proposal will be reviewed and scored by at least two reviewers.

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

After the initial average scores are calculated, reviewers will convene as a group to review these preliminary scores and discuss the proposals in accordance with the review criteria. At the conclusion of the discussions, each reviewer will individually provide a *final score* for each

proposal based upon the panel's discussions.

In the event that two or more proposals have the same final score, and the score is high enough for the applicants to be considered for funding, the review panel will hold an additional session to review only those affected proposals. The review panel will deliberate until there is a consensus regarding the selection. At times, it may be necessary to conduct interviews in order to determine the selected applicant.

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

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

## V. SUBMISSION OF APPLICATIONS

- Firms submitting an application are indicating their acceptance of the conditions in this RFA. Submission of applications in a manner other than as described in the in these instructions (e.g., facsimile, hardcopies, emails) will not be accepted. Proposals must be uploaded to the Dropbox prior to the deadline as indicated in the Table of Events/Schedule of Dates.
- The folder should be uploaded to the Dropbox by choosing the following option:  
**"Add Files → folders from computer"**.  
<https://www.dropbox.com/request/nWOkL3uMNEjdUeLKOrfP>
- **Proper format:**  
Please create a folder with: Respondent's name – RFP Title – Date Submitted and use the below link to upload to the Dropbox.
- **Example:**  
**Eastern Bank, Inc. – EAC 2024, RFA – 05.20.24**

**Late proposals will not be considered for award.**

## VI. QUESTIONS

All questions, comments, requests for clarification or any other communication regarding this RFA must be submitted by email to [EACRFA2024@esd.ny.gov](mailto:EACRFA2024@esd.ny.gov), no later than May 10, 2024. Your subject line should state: "[Name of Applicant] – RFA Inquiry, Entrepreneurship Assistance Centers Program".

## 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 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 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 Respondent.

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 Respondent waives any and all claims against ESD relating to ESD's retention or use of the Response Information.

## **VIII. 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. Insurance Requirements
5. Non-Discrimination and Contractor & Supplier Diversity Requirements
6. W-9

## 1) 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 shall have the right to disqualify any respondent to this RFA or terminate any contract entered into as a result of this RFA 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 RFA. If a conflict does or might exist, Respondent must describe how it would eliminate or prevent it.

**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 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 Respondents 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 Respondents 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 ESD website under "RFPs"); and periodic updating of such forms during the term of any contract resulting from this RFA.

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/CorporateInformation/Data/RFPs/RequiredForms/SF\\_Law139\\_JK.pdf](https://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.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 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/RFPs/RequiredForms/PermissibleContactsPolicy\\_Jan2007.pdf](http://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/PermissibleContactsPolicy_Jan2007.pdf). 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.

### **3. Vendor Responsibility Questionnaire**

All Respondents 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 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 RFA.

To assist in the determination of responsibility, ESD requires that all Respondents 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. 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.

To enroll in and use the Vend-Rep System, see the System Instructions available at [www.osc.state.ny.us/vendrep](http://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](mailto:helpdesk@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](http://www.osc.state.ny.us/vendrep/forms_vendor.htm)) and execute accordingly pertaining to the company's trade industry. Per the website, Respondents 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. Insurance Requirements**

The prospective will be expected to show evidence of the following insurance requirements, (at a minimum and to the extent applicable) as listed below:

- Commercial General Liability insurance - \$1 million per occurrence / \$2 million aggregate
  - o The NYS Urban Development Corporation (d/b/a Empire State Development) must be named as an "additional insured" on a primary and non-contributory basis on the policy
  - o The policy above should include a waiver of subrogation in favor of the NYS Urban Development Corporation (d/b/a Empire State Development)

#### **5. Non-Discrimination and Contractor & Supplier Diversity Requirements**

Participating lenders shall adhere to ESD's Non-Discrimination and Equal Employment Opportunity ("EEO") policy. Where applicable, ESD may require lenders and other beneficiaries of the program to provide Equal Employment Opportunity (EEO) data in accordance with New York State regulations.

Additional information regarding the EEO requirements may be obtained through the ESD's Office of Contractor and Supplier Diversity at [OCSD@ESD.NY.GOV](mailto:OCSD@ESD.NY.GOV).

#### **6. W-9 Form**

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

## Required Submissions

- EAC RFA Application FY2023-2024

## APPENDIX C: Administrative Proposal (Contractual Procurement Forms and Requirements - separate file)

### 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/RFPs/RequiredForms/SF\\_Law139\\_JK.pdf](https://cdn.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.pdf)

### 3. Vendor Responsibility Questionnaire –

<https://www.osc.state.ny.us/state-vendors/vendrep/vendor-responsibility-forms>

### 4. Non Discrimination and Contractor and Supplier Diversity Forms -

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

### 5. W9 Form -

<https://www.irs.gov/pub/irs-pdf/fw9.pdf>

### 6. Certificate of Insurance

### 7. Most current audited financials

### 8. Most recent two years of financial statements

### 9. List of Board of Directors

### 10. Resumes of proposed EAC Program staff

## APPENDIX D: ESD IT Security Standard Brief

<https://esd.ny.gov/sites/default/files/ESD-Security-Standard-Brief.pdf>