



**GO-SEMI SUPPORT CONSULTANT  
REQUEST FOR PROPOSALS**

Release Date: December 20, 2023

The following is a list of responses to questions submitted by prospective respondents to GO-Support Consultant RFP. A copy of the RFP is available at:

<https://esd.ny.gov/doing-business-ny/requests-proposals/go-semi-support-consultant-rfp>

No.	Question	Answer
1	The RFP mentions “sustainability” in a number of places (including page 2 and 3) – a) Should we interpret this as the financial/human resource/institutional sustainability of the GO-SEMI effort?  b) Or, are you referring to a specific aspect of environmental sustainability of the semiconductor industry?	A competitive proposal will demonstrate support for the development of a sustainable organizational structure for GO-SEMI <i>and</i> integrate environmental sustainability as a core focus of the growth of the semiconductor industry in NYS.
2	What is the timeline of the engagement? Or Is this an annually renewable contract without specific end year?	GO-SEMI is seeking a partner who can support office operations in the short to medium term with an eye towards developing a robust and sustainable organizational structure, staffing, and an organizational development plan for the long term.  The initial engagement will be for two years with an option to extend if needed.

No.	Question	Answer
3	How should applicants approach the “timeline” required in the application (RFP page 8)?	A competitive applicant will demonstrate plans for supporting the operation of GO-SEMI over the short, medium, and long term, and will provide general timelines for the areas GO SEMI should be focused on as needed to effectively grow the industry. For example, an applicant might suggest prioritizing investments in workforce development early in the engagement, and international supply chain attraction efforts at a later time in line with the progress of major manufacturing projects.
4	Is this procurement process intended as a mechanism to engage multiple firms/teams as needed to address portions of the “key focus areas” as needed through multiple work orders, or is this to be viewed as a single comprehensive project?	Ideally one firm would be able to address all key focus areas comprehensively. However, recognizing the broad scope of work and the highly specialized nature of the focus areas, at ESD’s sole discretion multiple firms may be engaged in the process.
5	Under “VI. Submission of Proposals” item E is titled “Estimated Cost” (see page 9). The Appendix A Fee Proposal template posted on the ESD website asks only for billing rates by focus area. Do you need only billing rates for “E. Estimated Cost” or are you looking for something beyond hourly billing rates?	Cost estimates should be broken down by key focus area.



No.	Question	Answer
6	<p>For Appendix A Fee Proposal, should the hourly rates reflect a <u>blended</u> rate of the personnel involved in each of the Focus Areas A-D, as there is only a single line for each focus area?</p> <p>Or, should we provide billing rates by employee/position?</p>	<p>Competitive applicants may submit billing rates for employees/positions within and across focus areas to provide clarity around proposed costs.</p>
7	<p>RFP Page 8 references the “maximum annual contract amount” and instructs the respondent to use this information to present anticipated time allocations. What is the “maximum annual contract amount” value we should be using?</p>	<p>When developing projected time allocations for key staff involved with the project, applicants should assume the full proposed contract amount will be awarded. If the full contract amount is not awarded, ESD will work with the applicant to adjust time allocations as appropriate.</p>
8	<p>Does ESD intend to issue task orders off of this contract or will it provide one award to cover all four focus areas for a three-year duration?</p>	<p>Ideally one firm would be able to address all key focus areas comprehensively. However, recognizing the broad scope of work and the highly specialized nature of the focus areas, at ESD’s sole discretion multiple firms may be engaged in the process.</p> <p>Regardless of whether the successful applicant is contracted to address all key focus areas or some of them, the initial engagement will be for two years with an option to extend if needed.</p>

No.	Question	Answer
9	<p>The fee proposal template provided by ESD (Appendix A) allows one hourly rate for each of the four tasks, which provides certainty on hourly rates but not the number of hours. The current template also precludes offerors from being able to propose a complete fee structure, payment terms, and the project cost detail requested in the RFP. Would ESD be open to considering alternate cost structures beyond hourly rates/time and materials, for example, a firm fixed price approach that provides certainty on the total cost to ESD? Would ESD consider different pricing approaches by deliverable (e.g., T&amp;M for some, FFP for others)?</p>	<p>See Addendum 2 – Revised Fee Proposal. Applicants must submit a proposed budget based on time &amp; materials fees with fully loaded rates and a not-to-exceed elaborated. ESD reserves the right to negotiate final budget with the Consultant before entering into a final agreement.</p>
10	<p>Are we able to incorporate suggested phases into our response?</p> <p>Does ESD have any view on how the quantity of required support would change over time, such as with higher levels of support in the early periods and then less as GO-SEMI is stood up?</p>	<p>Applicants are welcome to incorporate suggested phases into their application. A competitive applicant will demonstrate plans for supporting the operation of GO-SEMI over the short, medium, and long term with end goal of the development of a sustainable organizational structure for GO-SEMI at the end of the engagement.</p>
11	<p>Does ESD have an intended timeline/duration for this support?</p>	<p>GO-SEMI is seeking a partner who can support office operations in the short to medium term with an eye towards developing a robust and sustainable organizational structure, staffing, and an organizational development plan for the long term.</p> <p>The initial engagement will be for two years with an option to extend if needed.</p>
12	<p>Would partnerships on a proposal between two vendors with different areas of expertise be allowed?</p>	<p>Yes. Ideally one firm would be able to address all key focus areas comprehensively. However, recognizing the broad scope of work and the highly specialized nature of the focus areas, multiple firms may be engaged in the process and partnerships would be welcome to address different focus areas effectively.</p>

No.	Question	Answer
13	Does ESD expect to award the work to a single vendor or multiple vendors with certain divisions for areas of expertise?	Ideally one firm would be able to address all key focus areas comprehensively. However, recognizing the broad scope of work and the highly specialized nature of the focus areas, multiple firms may be engaged in the process.
14	Will ESD allow bidders to bid on "line item" scopes of work within the RFP if areas of expertise are concentrated in some but not all qualification criteria?	Yes. Ideally one firm would be able to address all key focus areas comprehensively. However, recognizing the broad scope of work and the highly specialized nature of the focus areas, firms may submit proposals for specific focus areas their firm specializes in.
15	Is there an expectation that the vendor will need to have an on-site physical presence supporting ESD?	No. However, special consideration will be given to applicants who demonstrate a strong understanding of New York State and experience working with New York State government.
16	Has ESD established or forecasted a long-term timeline for the execution of the four primary objectives?	The initial engagement will be for two years with an option to extend if needed. A competitive applicant will incorporate a timeline that builds towards developing a robust and sustainable organizational structure, staffing, and an organizational development plan for GO-SEMI's long term.
17	How does ESD think about the vendor's competencies as complementary to what they already do?	GO-SEMI is currently engaged in work across all key focus areas identified in the RFP. The Consultant will bolster and expand those efforts by providing strategic guidance, recommendations, and direct implementation support.
18	Does ESD have an expectation for how many staff they would like the vendor to have dedicated to this project?	No. Applicants should suggest staffing figures necessary to address the key focus areas detailed in the scope of work.



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19	<p>Has ESD already identified all brownfield &amp; greenfield options within the state that could be selected as locations by semiconductor supply chain companies?</p> <p>If yes, please provide a list of the sites that have been identified at this time.</p>	<p>Yes. The selected Consultant will receive relevant reports and studies and integrate their findings into their work.</p>
20	<p>Please identify the team at ESD that the vendor will report into?</p>	<p>The vendor will report to the COO and existing GO-SEMI team.</p>
21	<p>Does ESD have any concerns about potential conflicts of interest (ex: Potential of vendor working with economic development agencies in other states)?</p>	<p>Applicants are required to disclose any existing or contemplated potential conflicts of interest. Please see RFP Section IX for more information on this.</p>
22	<p>RFP Section IX states that only the <b>selected</b> vendor is to provide proof of insurance. However, Appendix C includes proof of insurance as a requirement for <b>all</b> bidders.</p> <p><b>Please clarify whether proof of insurance is to be provided with the proposal.</b></p>	<p>Proof of insurance does not need to be provided with the proposal. However, each bidder should be prepared to provide proof of insurance in compliance with all insurance requirements, should they become the selected vendor.</p>
23	<p>Would SDVOB certifications from other states or the federal government be acceptable for ESD and qualify to meet the SDVOB goals?</p>	<p>No, only NYS certified entities qualify to meet the SDVOB or MWBE goals. SDVOB firms must be certified by <a href="#">Division of Service-Disabled Veterans' Business Development</a>. Please reference the directory of New York State certified SDVOBs found at the following internet address: <a href="https://online.ogs.ny.gov/SDVOB/search">https://online.ogs.ny.gov/SDVOB/search</a></p>

No.	Question	Answer
24	<p>The RFP states we should provide “Fee structure and payment terms, including the total cost of the project, the breakdown of costs by task or phase, the payment schedule, and any other expenses or contingencies”.</p> <p>However, the cost attachment references hourly rates.</p> <p>Consistent with the RFP language, will ESD confirm that vendors may propose a total fixed price by deliverable with a breakdown consistent with firm fixed price contracting and a proposed approach for how future optional phases would be structured?</p>	<p>Applicants must submit a proposed budget based on time &amp; materials fees with fully loaded rates and a not-to-exceed elaborated. ESD reserves the right to negotiate final budget with the Consultant before entering into a final agreement.</p>
25	<p>Can ESD confirm whether bidders should raise concerns with any terms and conditions within Schedule A within the proposal submission?</p>	<p>Yes, vendors should note any concerns with or exceptions from Schedule A when submitting a proposal. Vendors should be advised that, depending on the nature of the concerns or exceptions, this may disqualify them from award.</p>
26	<p>Are there any key milestone dates that ESD is tracking and/or would require that deliverables be complete by certain time horizons?</p>	<p>The initial engagement will be for two years with an option to extend if needed. A competitive applicant will incorporate a timeline and corresponding deliverables that could build towards developing a robust and sustainable organizational structure, staffing, and an organizational development plan for GO-SEMI’s long term.</p>
27	<p>Can ESD explain how vendors should fill out Appendix A consistent with a fixed fee proposal in accordance with a firm fixed price deliverable model that creates price certainty for ESD and a breakdown of fee by deliverable?</p>	<p>Applicants must submit a proposed budget based on time &amp; materials fees with fully loaded rates and a not-to-exceed elaborated. ESD reserves the right to negotiate final budget with the Consultant before entering into a final agreement.</p>



No.	Question	Answer
28	<p>Does ESD plan to post a MWBE/SDVOB list for this procurement specifically?</p> <p>If so, when can bidders expect for that list to be posted?</p>	<p>If MWBE/SDVOB vendors request to be listed for this procurement, ESD will post the list as they are identified.</p> <p>For purposes of providing meaningful participation by MWBEs on the project and achieving the project goals established herein, applicants should reference the directory of New York State certified MWBEs found at the following internet address:  <a href="https://ny.newnycontracts.com/">https://ny.newnycontracts.com/</a></p>
29	<p>To clarify, for this procurement, is the expectation that 15% of the fee be devoted to an MBE, 15% of the fee devoted to an WBE, and 6% of the total fee devoted to an SDVOB?</p>	<p>Yes, please refer to the RFP section vii. Non-Discrimination and Contractor &amp; Supplier Diversity Requirements CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN under subsection “Request for Waiver” and “Required Good Faith Efforts”.</p>



No.	Question	Answer
30	<p>Some bidding firms have independence and audit restrictions which can slow down the formal contracting process for sub-contractors. These internal controls can prevent our account team from formally including subs on any proposal. Is it acceptable to note that we will work with ESD to determine an MBE/WBE/SDVOB sub-contractor post-award but pre-contract execution to reach the state's goals?</p>	<p>No. Applicants are required to submit a MWBE Utilization Plan with their bid or proposal regardless if MWBE/SDVOB firms have yet to be identified. ESD will review the submitted MWBE Utilization Plan and advise the respondent of ESD acceptance or issue a notice of deficiency within 30 days of receipt. If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to OCSD at <a href="mailto:OCSD@esd.ny.gov">OCSD@esd.ny.gov</a>, a written remedy in response to the notice of deficiency.</p> <p>If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.</p> <p>Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to ESD for review and approval.</p>
31	<p>Can ESD please share the Semiconductor Supply Chain Study mentioned on page 7 of the RFP?</p>	<p>No.</p>



No.	Question	Answer
32	What is the budget for this procurement?	ESD intends to work with the successful vendor to develop a budget that will provide the project deliverables in a cost effective manner.
33	In addition to the ESD Semiconductor Supply Chain Study mentioned in the RFP, what background information or up to date reports does ESD or NYS partners have regarding the current state of the semiconductor supply chain, the Semiconductor R&D ecosystem, the relevant permitting/regulatory concerns, sustainability efforts in the semiconductor industry, and the workforce of the semiconductor industry?	Yes. The Consultant will be expected to analyze and synthesize the findings of existing reports, help guide ongoing studies, and make recommendations for additional studies if needed.
34	As a follow on to question 6, if background information and reports are not available, is the consultant expected to develop that research as part of this initial procurement to better inform the focus area discussions on goals and priorities?	Yes. The Consultant may also support the development of additional Requests for Proposals (RFPs) for specific tasks, studies, and initiatives relevant to GO-SEMI and/or provide direct support to the key focus areas in this RFP on key technical aspects of semiconductor industry development, e.g., supply chain business development.
35	What deliverables within the proposed scope of services does ESD anticipate being impacted by Appendix D – ESD Information Security Standard Brief?	The IT Deliverables Standard will be provided to prospective vendors prior to contract completion or upon request.



No.	Question	Answer
36	<p>Does ESD have a preferred or expected duration of contract performance?</p> <p>Or a preferred start date for the work?</p>	<p>The initial engagement will be for two years with an option to extend if needed. ESD is seeking a partner to start as soon as possible.</p>
37	<p>Can ESD provide greater context around the question of housing in the central New York housing market (page 8 of the RFP)?</p> <p>How does ESD see expertise in this market being leveraged in a final strategy? Is this closely related to the workforce housing needs or location decisions by potential companies in the semiconductor supply chain?</p>	<p>ESD is currently engaged in a comprehensive regional housing study related to the Micron project. A competitive applicant will demonstrate the ability to incorporate that study’s findings in their recommendations related to housing.</p> <p>This should be leveraged to make recommendations related to sustainability and community/worker investment.</p>
38	<p>Does ESD expect travel within the central NY region?</p> <p>If so, can ESD share which communities ESD plans to have us visit?</p>	<p>Some travel may be required, especially to regions with a high degree of semiconductor investment. This includes, but may not be limited to, Central New York, the NY SMART I-Corridor Tech Hub, and the Capital Region.</p>
39	<p>How is “Central New York” defined (ideally by county and/or included towns-hamlets, etc.) for RFP purposes?</p>	<p>The Central New York region is the same as it defined on ESD’s website.  <a href="https://esd.ny.gov/regions/central-new-york">https://esd.ny.gov/regions/central-new-york</a></p>
40	<p>Does “Central New York” for RFP purposes align to the territory of any of the state’s regional EDOs?</p> <p>Which regional EDOs have most overlap?</p>	<p>Central New York aligns with ESD’s Central New York Regional Economic Development Council (REDC).  <a href="https://regionalcouncils.ny.gov/central-new-york">https://regionalcouncils.ny.gov/central-new-york</a></p>



No.	Question	Answer
41	What are the expectations (per legislation, regulation, political preference, etc.) in terms of by when GO-SEMI would be operational and/or delivering certain milestones or accomplishments?	GO-SEMI is currently operating in a coordinating role to advance and support NY’s semiconductor industry. A competitive applicant will support GO-SEMI’s operations, develop its capabilities, expand its capacity, and formalize its role within ESD.
42	What is the formal/ technical / legal / other basis for the formation of GO-SEMI? Is GO-SEMI anchored in legislation? If yes, which?	N/A
43	<p>What is the financial underpinning for GO-SEMI? Is funding assured over a given time-frame?</p> <p>Does it come from general appropriations authorized by state legislation?</p> <p>From funding allocated to NY executive branch, that can be used, within limits, at the discretion of the executive branch?</p>	N/A
44	What does “short/mid/long term” mean in terms of delivering recommendations on additional priority areas as per pg. 4 of RFP?	A competitive applicant will provide general timelines for the areas GO-SEMI should be focused on as needed to effectively grow the industry. For example, an applicant might suggest prioritizing investments in workforce development early in the engagement, and international supply chain attraction efforts at a later time in line with the progress of major manufacturing projects.
45	What approximate budget would GO-SEMI have to hire staff / fund ongoing operations?	ESD intends to work with the successful vendor to develop a budget that will provide the project deliverables in a cost effective manner.

No.	Question	Answer
46	<p>To what extent is NY state legislature and/or county-level government involved in GO-SEMI?</p> <p>Are there any known “champions” of GO-SEMI in NY state legislature?</p>	N/A
47	<p>To what extent have NY-based institutions of higher learning and/or research institutes, publicly expressed interest to work with GO-SEMI, even if they would not be a formal and direct part of GO-SEMI?</p>	<p>Partnerships with academic institutions have long been a key part of New York’s success in the semiconductor industry and an ongoing part of GO-SEMI’s work.</p>
48	<p>Does Governor’s Office and/or ESD have expectation or sense of what “constitutes success” in terms of GO-SEMI’s operations and successes?</p>	<p>The Governor formed GO-SEMI to expand and support the semiconductor industry in New York State.</p>
49	<p>What would be then expected/ anticipated relationship between ESD and GO-SEMI?</p>	<p>GO-SEMI is and will be a division of ESD.</p>
50	<p>Have any members of NY state legislature and/or county-level government expressed wish / demand / requirement that GO-SEMI expressly include areas “outside central NY” in its operations and areas of focus and activities?</p>	N/A

No.	Question	Answer
51	Is Governor Office / ESD aware of any "GO-SEMI-like" organizations already in existence (in U.S. or outside) that mirror, or serve as aspirational example of what GO-SEMI should be?	Many states are actively seeking to attract semiconductor manufacturing investment. GO-SEMI, like Green CHIPS, represents New York State's commitment to leading the effort to bring the semiconductor industry back to the US.
52	What does the term "systems" in the bullet point " <i>Support the development of systems to grow the capacity of existing NYS businesses...</i> " encompass?	A successful applicant will detail how GO-SEMI can systematize efforts to grow the capacity of existing NYS businesses to meet the needs of the semiconductor industry and the creation of new businesses in the industry.
53	What does the term "direct suppliers" in the bullet point " <i>Build an attraction plan for direct suppliers to the semiconductor manufacturing process.</i> " encompass?	Supply chain companies directly serving semiconductor manufacturers.
54	Are there any group of suppliers that we should prioritize our analysis and recommendations on (e.g., equipment manufacturers, raw material suppliers, IP vendors, EDA vendors)?	Not necessarily. However, a competitive applicant will demonstrate a deep understanding of the needs of the semiconductor industry and may prioritize accordingly.
55	Who are the members included in the " <i>...ongoing working group of stakeholders</i> "? Is there a proposed governance structure set forward for this group?	N/A
56	Are there any region(s) or organization(s) we should prioritize in our analysis and recommendations on when it comes to " <i>...building of partnerships with domestic and international research organizations</i> "	Not necessarily. However, a competitive applicant will demonstrate a deep understanding of the needs of the semiconductor research and development landscape and may prioritize accordingly.

No.	Question	Answer
57	<p>What does the term "commercialization" in the bullet point "<i>...Identify opportunities for industry to further invest in R&amp;D and commercialization efforts</i>" encompass? (e.g., building new wafer manufacturing facilities? licensing IP? building prototyping facilities and services?)</p> <p>Who should the key beneficiaries be for commercialization in our assessment? (Companies, public sector, academia)</p>	<p>Commercialization refers to process of bringing a product or process to market from research and development efforts. The beneficiaries of commercialization should be parties that will help strengthen or expand the semiconductor industry in New York State.</p>
58	<p>Are there any region(s) that should be prioritized for the bullet point "<i>Map the semiconductor regulatory ecosystem and identify key barriers and challenges faced by industries...</i>"?</p>	<p>No.</p>
59	<p>Please expand on the term "placemaking and community development" in the context of "<i>Support ESD in placemaking and community development work around large-scale semiconductor projects.</i>"</p>	<p>Placemaking is a core tenet of economic development and ESDs mission. Please refer to the ESD mission statement: <a href="https://esd.ny.gov/about-us">https://esd.ny.gov/about-us</a></p>
60	<p>Does ESD have an anticipated duration or target completion date for the services?</p>	<p>The initial engagement will be for two years with an option to extend if needed.</p>
61	<p>Could you provide a rough estimate of Start Date?</p>	<p>Ideally, the Consultant will be able to start as soon as possible.</p>
62	<p>Can ESD provide budgetary guidance for delivering the scope of work?</p>	<p>ESD intends to work with the successful vendor to develop a budget that will provide the project deliverables in a cost effective manner.</p>

No.	Question	Answer
63	Does ESD have a preferred format for proposal submission (ie MS Word vs PowerPoint)?	We generally expect proposals to be submitted in PDF format, although if a vendor wanted to submit a PowerPoint, that would be acceptable as well.
64	<p>Recognizing the nascent status of this office, is there any additional information available on the specific scope of this engagement or responsibilities of the office?</p> <p>Additional information on the existing capability may yield more targeted capacity building recommendations.</p> <p><b>Reference:</b> “In January 2023, Governor Kathy Hochul launched the Governor’s Office of Semiconductor Expansion, Management, and Integration (GO-SEMI, or “Office”) to capitalize on Micron’s historic \$100 billion investment for a new megafab in Central New York and lead a broader effort to supercharge New York’s semiconductor industry.”</p>	<p>GO-SEMI will support and facilitate the expansion of New York’s semiconductor industry through the key focus areas detailed in the RFP. Applicants are welcome to suggest additional responsibilities or define the Office’s scope in their proposals.</p>
65	<p>Given the NSTC is still forming, can ESD confirm there is little to no dependency on direct engagements with NSTC, EDA, or others, to identify alignment opportunities?</p> <p><b>Reference:</b> “Identify opportunities for alignment with ongoing semiconductor-focused initiatives and funding streams, e.g., EDA Tech Hubs, National Semiconductor Technology Center.”</p>	<p>A competitive applicant will demonstrate the ability to identify opportunities like EDA tech hubs, NSTC, etc. and elaborate ways that NYS can leverage them to expand and support the semiconductor industry. While GO-SEMI is and will work closely with partners in the federal government to identify and align on opportunities, the Office is not dependent on them to do so.</p>





No.	Question	Answer
66	<p>To bring in the right subject matter expertise and for ease of contract flexibility, if ESD identifies specific vendors with expertise across the key focus areas, would ESD consider segmenting work out across different contractors?</p>	<p>Yes. Ideally one firm would be able to address all key focus areas comprehensively. However, recognizing the broad scope of work and the highly specialized nature of the focus areas, multiple firms may be engaged in the process.</p>
67	<p>To offer more flexibility to the State given the broad nature of scope and recognizing the complexity of scope for this RFP, would ESD consider a cost structure that is Time &amp; Materials based with an associated rate card for work performed in accordance with this SOW? This would afford ESD greater flexibility to add / remove resources as initial discovery phases identify more targeted needs.</p> <p><b>Reference:</b> “Cost Proposal (5 points): Proposals will be evaluated on the reasonableness of the pricing provided to accomplish the tasks and deliverables as described in the Scope of Services in this RFP.”</p>	<p>Yes. Applicants must submit a proposed budget based on time &amp; materials fees with fully loaded rates and a not-to-exceed elaborated. ESD reserves the right to negotiate final budget with the Consultant before entering into a final agreement.</p>



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68	<p>Would the Corporation agree to add the following at the end of this Section in order to clarify the Contractor’s rights related to managing the project schedule: However, in addition to the Corporation’s responsibilities as set forth in an attached Statement of Work (“SOW”) it is acknowledged that the Contractor’s performance is dependent upon the Corporation’s timely and effective satisfaction of the Corporation’s responsibilities under this Agreement and any SOW and timely decisions and approvals of the Corporation in connection with the Services.</p> <p><b>Reference:</b> Schedule A, 1.2 SUPERVISION BY THE CORPORATION.</p>	<p>ESD is open to a discussion about adding addition language to this section to address this concern, but cannot commit to the specific language as proposed.</p>



No.	Question	Answer
69	<p>Would the Corporation agree to the following changes in this Section to allow Contractors to provide innovative solutions, but at the same time protect their pre-existing technology:</p> <p><b>Upon full and final payment for the Services, and except for Contractor Materials, all</b> originals and negatives of all plans, drawings, reports, photographs, charts, programs, models, specimens, specifications, and other documents or materials required to be furnished by the Contractor under this Agreement (“<b>Deliverables</b>”) including drafts and reproduction copies thereof, shall be and remain the exclusive property of the Corporation, and the Corporation shall have the right to publish, transfer, sell, license (<b>in case, only to New York state agencies, authorities and departments</b>) and use all or any part of such <b>Deliverables</b> without payment of any additional royalty, charge or other compensation to Contractor. <b>Subject to payment for the Services, upon</b> request of the Corporation during any stage of the work, Contractor shall deliver all such <b>Deliverables</b> to the Corporation, <b>provided that any works-in-progress shall be provided as-is and without warranty or indemnity of any kind.</b> The Contractor further agrees that it shall not publish, transfer, license or, except in connection with carrying out its obligations under this Agreement, use or reuse all or any part of such <b>Deliverables</b> without the prior written approval of the Corporation, except that Contractor may retain copies of such reports and other documents for general reference use.</p> <p><b>“Contractor Materials” means all works of authorship, materials, information and other intellectual property that the Contractor or its subcontractors created prior to or independently from the Services for delivery to the Corporation</b></p>	<p>No, ESD cannot agree to the proposed changes.</p>



No.	Question	Answer
<b>70</b>	To bring in the right subject matter expertise and for ease of contract flexibility, if ESD identifies specific vendors with expertise across the key focus areas, would ESD consider segmenting work out across different contractors?	Yes. Ideally one firm would be able to address all key focus areas comprehensively. However, recognizing the broad scope of work and the highly specialized nature of the focus areas, at ESD's sole discretion multiple firms may be engaged in the process.