Request for Proposals

New York State Museum Kid's Zone Exhibits

Issued: May 29, 2026

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

Designated Contacts for this Procurement:

Primary Contact:	Julia Borukhov
Secondary Contact:	Jordan Kaplan

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

Proposals must be sent to the designated Dropbox:
https://www.dropbox.com/request/kogmwzt8ed9094ckos07

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

Submission Deadline: 2:00 PM ET on July 13, 2026

Proposals deemed to have arrived late will not be accepted

Contents

I. INTRODUCTION 1
II. OVERVIEW 1
III. MWBE & SDVOB SUBCONTRACTOR INTEREST 2
IV. SCOPE OF WORK 2
V. SCHEDULE OF DATES 3
VI. SELECTION CRITERIA 3
VII. SUBMISSION OF PROPOSALS 5
i. Technical Proposal 5
ii. Administrative Proposal 5
iii. Submission of a Complete Two-Part Proposal 6
VIII. QUESTIONS 7
IX. GENERAL PROVISIONS 7
X. CONTRACTUAL REQUIREMENTS 9
i. Non-Collusive Bidding Certification 10
ii. Conflicts of Interest 10
iii. State Finance Law Sections 139-j and 139-k forms 11
iv. Vendor Responsibility Questionnaire 11
v. Iran Divestment Act 12
vi. Executive Order 16 13
vii. Executive Order 177 13
viii. Compliance with State Finance Law Section 139-m 13
ix. Non-Discrimination and Contractor & Supplier Diversity Requirements 14
x. Encouraging the Use of NYS Businesses in Contract Performance Form 15
xi. Certification under State Tax Law Section 5-a 16
xii. Schedule A 16
xiii. Project Sunlight 16
xiv. Insurance Requirements 17
xv. W-9 Form 17
XI. DEBRIEFING OF UNSUCCESSFUL RESPONDENTS 17

APPENDICES

Appendix A ESD IT Security Standard Brief
Appendix B Diversity Practices Questionnaire

I. INTRODUCTION

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

II. OVERVIEW

In 2025, Governor Kathy Hochul secured an unprecedented $400M investment in the future of Downtown Albany through the Championing Albany's Potential (CAP) initiative. The goal of the CAP initiative, led and managed by Empire State Development (ESD), is to revitalize Albany's Downtown through strategic investment in catalytic economic and community development projects. A core part of this strategy is $150M in new capital funding dedicated to the revitalization of the New York State Museum, a major cultural anchor in Downtown Albany which has suffered from disinvestment over recent decades. This investment – managed by ESD in close consultation with State Museum leadership, the New York State Education Department (SED), and Office of General Services (OGS) – is intended to modernize the Museum and provide a more interactive, family-oriented visitor experience that will drive visitation to Downtown Albany and provide greater access to the Museum's vast scientific and historical collections for decades to come.

The New York State Museum (NYSM) is the primary institution established to interpret the natural and human history of New York State. Founded in 1836, it is the oldest and largest public museum in the United States and houses a world-class collection of more than 20 million artifacts and specimens reflecting New York's extraordinary cultural and natural heritage. Located at the southern end of the Governor Nelson A. Rockefeller Empire State Plaza in Downtown Albany, the current Museum building opened in 1976 and has welcomed millions of visitors through its doors, serving families, schoolchildren, researchers, and tourists through original exhibitions, public programs, and the stewardship of its collections.

As part of Phase I of the revitalization plan, ESD is seeking a vendor to provide two versatile, engaging, and family-friendly traveling exhibitions for rent. The first phase of museum transformation included a new dedicated Kid's Zone. The Kid's Zone, located on the fourth-floor terrace of the NYS Museum beside the iconic carousel, will be transformed into a lively family discovery hub and will include rotating exhibits that will invite young visitors into a world of hands-on exploration, multisensory learning, and play.

III. MWBE & SDVOB SUBCONTRACTOR INTEREST

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

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

IV. SCOPE OF WORK

ESD is seeking to obtain two versatile, engaging, and family-friendly traveling exhibitions for rent. Each exhibition must be between 5,000 to 10,000 square feet or more and be able to be exhibited on the Museum's Terrace Gallery.

Exhibitions desired must include the following:

- Connection to the NYSM mission to explore science, history, anthropology and art of New York. We welcome exhibits that situate our NY state history within larger US and global subjects, or that dive deep into a specific field of science. Exhibitions that are designed to spark curiosity and engagement with history and science concepts and methodologies are encouraged, along with play-based exhibitions.
- Family-friendly topics, unique objects, visually pleasing graphics, and hands-on interactivity throughout the exhibition.
- Multi-generational appeal for layered learning with short engagement cycles.
- ADA compliant with attention to accessibility to all visitors.
- Contracts must include all aspects of rental to include staffing, travel, and shipping.
- Preference given for youth-based learning and exploration.
- Flexibility of layout for clear flow with natural stopping points.

The Terrace Gallery is located on the fourth floor of the Museum. The specifications of the Terrace Gallery are as follows:

- Approximately 20,000 square feet of exhibition space
- 25-foot ceiling
- In-floor power
- Floor to ceiling windows surrounding all four walls of the space
- Loading dock access to freight elevator (17' d x 12 ½' w x 10 ½' t)
- Escalator and elevator access for visitors
- Male, female, and family restrooms
- Crate storage availability

- Access to running water/sink
- 1914 Herschell Spillman Carousel (operational)

Exhibition dates should be roughly aligned to:

- January 23, 2027 – June 30, 2027
- July 31, 2027 – January 3, 2028

V. SCHEDULE OF DATES

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

Release of RFP	May 29, 2026
Deadline for Submission of Questions	June 8, 2026
Deadline for ESD to Respond to Questions	June 12, 2026
Submission of Proposals (date and time)	July 13, 2026, by 2PM ET
Interviews (if necessary)	TBD
Announcement of Successful Respondent	TBD
Anticipated Contract Start Date	December 2026/January 2027

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

VI. SELECTION CRITERIA

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

In evaluating proposals submitted pursuant to this request, ESD places value on the following factors:

- Demonstrated capacity to perform the work, including experience delivering projects of similar scale – 30 Points
- Quality of Proposal – 30 Points
- Estimated Cost – 30 Points
- Diversity Practices – 10 Points

ESD reserves the right to request interviews with finalist(s) respondents as part of the selection process.

A. Demonstrated capacity to perform the work, including experience delivering projects of similar scale (30 Points)

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

- Examples of successful similar projects undertaken by the respondent
- Summary of the respondent's organizational capacity

B. Quality of the proposal (30 Points)

In this section of the Technical Proposal, Respondents should demonstrate that the firm has the ability to perform the services described in this RFP by providing the following:

- Overview of the proposed exhibits
- Examples of successful exhibit installations on similar projects
- A summary of the educational content within the exhibition (and any accompanying educational materials) as well as information regarding the curatorial team

C. Anticipated cost of services (30 Points)

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

- Proposed fees to accomplish the scope of work, including annual compensation rate, manhour estimates, hourly rates, managements fees, multiplier and reimbursables (if applicable). If there are any deposit requirements to hold the exhibit that are needed upfront, respondents should clearly articulate that. Proposal should also include expected shipping costs.

D. Diversity Practices (10 Points)

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 B, submitted by each Respondent to the RFP.

Reference Checks

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

VII. SUBMISSION OF PROPOSALS

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

i. Technical Proposal

Below is a listing of the technical information to be provided by the Respondent. No information is required beyond what is specifically requested. The Corporation requests that all Technical Proposals be organized with bookmarks identified to match the specific information requested below:

A. Cover page (including Respondent's contact information)
B. Table of Contents
C. Firm Experience and Qualifications
D. Staff Experience and Qualifications
E. Project Plan and Approach

- Cost of Services
- Diversity Practices Questionnaire

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

ii. Administrative Proposal

Schedule A of this RFP states standard requirements that must be included in every contract entered into with the Corporation. The successful Respondent must agree to abide by these requirements and provide any information requested by the Corporation in connection with these requirements**.** Accordingly, Respondents should complete and submit the items listed below, in the order in which they are listed. Failure to submit any of the requirements below may result in the rejection of a Respondent's proposal.

i. Non-Collusive Bidding Certification (https://esd.ny.gov/sites/default/files/media/document/NonCollusiveBiddingCertification6-13-25.pdf)
ii. Conflict of Interest Attestation (https://esd.ny.gov/sites/default/files/Conflict-of-Interest-Attestation-June-2019.pdf)
iii. State Finance Law §§139-j and 139-k forms (https://esd.ny.gov/sites/default/files/media/document/SF-Law139-JK-2025.pdf)

iv. Vendor Responsibility Questionnaire (https://www.osc.ny.gov/state-vendors/vendrep/file-your-vendor-responsibility-questionnaire?redirect=legacy)
v. Iran Divestment Act Statement (https://esd.ny.gov/sites/default/files/media/document/IranDivestmentActLanguage052225.pdf)
vi. Executive Order 16 Certification (https://esd.ny.gov/sites/default/files/EO16-certification.pdf)
vii. Executive Order 177 Certification (https://esd.ny.gov/sites/default/files/EO-177-Certification.pdf)
viii. Compliance with State Finance Law §§139-m forms (https://esd.ny.gov/sites/default/files/media/document/GBVandtheWorkplacePolicyAttestationTemplate-103125.pdf)
ix. Non-Discrimination and Contractor & Supplier Diversity Requirements
   - OCSD-1 - MWBE and SDVOB Participation / EEO Policy Statement
   - (https://esd.ny.gov/sites/default/files/OCSD-1-Policy-Statement.pdf)

   - OCSD-2 - Staffing Plan (https://esd.ny.gov/sites/default/files/media/document/OCSD-2-Staffing-Plan-REV-7-24-2025.xlsx)
x. Encouraging the Use of NYS Businesses in Contract Performance Form (https://esd.ny.gov/sites/default/files/media/document/USEOFNYSBUSINESSES-2025.pdf)
xi. Certification under State Tax Law Section 5-a, Form ST-220-CA (https://esd.ny.gov/sites/default/files/ST220CA.pdf) or Affidavit (https://esd.ny.gov/sites/default/files/media/document/STL5A-Affidavit-2025.pdf)
xii. W-9 Form (https://www.irs.gov/pub/irs-pdf/fw9.pdf)

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

iii. Submission of a Complete Two-Part Proposal

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

1. Create a main folder using the following naming convention: "company name – RFP title – date of Submission"
   a. **example: ABDX, Inc. – NYS Museum Kid's Zone Exhibits RFP – 07.13.26**
2. Included within the main folder should be two subfolders: one for the Administrative Proposal and one for the Technical Proposal.
3. All documents in these folders should be clearly labeled.
4. Upload the main folder to the Dropbox as follows:

a. Click the following link: https://www.dropbox.com/request/kogmwzt8ed9094ckos07.

b. Choose the following option: Add Files > Folders from computer.

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

VIII. QUESTIONS

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

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

IX. GENERAL PROVISIONS

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

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

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

All information submitted in response to this RFP is subject to the Freedom of Information Law ("FOIL"), which generally mandates the disclosure of documents in the possession of ESD upon the

request of any person unless the content of the document falls under a specific exemption to disclosure. In addition, Proposals may be discussed at meetings of the ESD Directors, which meetings are subject to the Open Meetings Law.

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

Required Approvals

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

Performance

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

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

Additional Services Requested

The Corporation may, at any time, by written notice, make changes or additions to work or services within the general scope of the contract resulting from this RFP (not to include professional services requiring licenses or specialized expertise such as engineering, architectural, and environmental consulting, abatement, treatment, and testing work) for unanticipated needs. If any such change or addition causes an increase or decrease in the cost of, or in the time required for, performance of the contract, an equitable adjustment may be made in the price using the billing rates set forth in the contract, and the Contractor shall be notified in writing

accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change; provided however, that the Corporation, if it decides that the facts justify such action, may receive and act upon such claim as asserted at any time. Nothing in this clause shall excuse the Contractor from proceeding with this contract as modified.

Contractor Staff

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

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

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

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

X. CONTRACTUAL REQUIREMENTS

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

i. Non-Collusive Bidding Certification

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

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

ii. Conflicts of Interest

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

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

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

C. Disclosure of Ethics Investigations: Respondent must disclose whether it, or any of its members, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any ongoing investigation or disciplinary action by the New York State Commission on Ethics and Lobbying in Government or its predecessor State entities

(collectively, "Commission"), and if so, a description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

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

State Finance Law Sections 139-j and 139-k (collectively, the "Procurement Requirements") apply to this RFP. These Procurement Requirements: (1) govern permissible communications between potential Respondents and ESD or other involved governmental entities with respect to this RFP; (2) provide for increased disclosure in the public procurement process through identification of persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions; and (3) establish sanctions for knowing and willful violations of the provisions of the Procurement Requirements, including disqualification from eligibility for an award of any contract pursuant to this RFP. Compliance with the Procurement Requirements requires that all communications regarding this RFP, from the time of its issuance through final award and execution of any resulting contract (the "Restricted Period"), be conducted only with the designated contact persons listed above; the completion by Respondents of the Offeror Disclosure of Prior Non-Responsibility Determinations, and the Offeror's Affirmation of Understanding and Agreement pursuant to State Finance Law; and periodic updating of such forms during the term of any contract resulting from this RFP.

Respondents must submit the Offeror Disclosure of Prior Non-Responsibility Determinations, and the Offeror's Affirmation of Understanding and Agreement pursuant to State Finance Law as part of their submittal. Copies of these forms are available at:
https://esd.ny.gov/sites/default/files/media/document/SF-Law139-JK-2025.pdf.

The Procurement Requirements also require ESD staff to obtain and report certain information when contacted by Respondents during the Restricted Period, make a determination of the responsibility of Respondents and make all such information publicly available in accordance with applicable law. If a Respondent is found to have knowingly and willfully violated the State Finance Law provisions, that Respondent and its subsidiaries, related or successor entities will be determined to be a non-responsible Respondent and will not be awarded any contract issued pursuant to this solicitation. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract. The designated contact account for this solicitation is referenced on the cover of this RFP.

This is not a complete presentation of the provisions of the Procurement Requirements. All potential Respondents are solely responsible for full compliance with the Procurement Requirements. Both the prime consultant and any sub-consultants complete the forms required above.

iv. Vendor Responsibility Questionnaire

All Respondents to this RFP must be "responsible," which in this context means that they must have the requisite financial ability, organizational capacity and legal authority to carry out its

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

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

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

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

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

v. Iran Divestment Act

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

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

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

vi. Executive Order 16

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

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

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

vii. Executive Order 177

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

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

viii. Compliance with State Finance Law Section 139-m

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

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

ix. Non-Discrimination and Contractor & Supplier Diversity Requirements

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

Pursuant to New York State Executive Law Article 15-A and Parts 140-147 of Title 5 of the New York Codes, Rules and Regulations ESD is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of ESD contracts.

Business Participation Opportunities for MWBEs

A contractor ("Contractor") on any contract resulting from this procurement ("Contract") is encouraged to make good faith efforts to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials. For purposes of this procurement, ESD conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by MWBEs as subcontractors, service providers, and suppliers to Contractor.

Equal Employment Opportunity Requirements

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

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

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

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

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-

contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

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

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

Article 3 of the New York Veterans' Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"), thereby further integrating such businesses into New York State's economy. ESD recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of ESD contracts.

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

For purposes of this procurement, ESD conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The directory of New York State Certified SDVOBs can be viewed at: https://online.ogs.ny.gov/SDVOB/search.

Bidder/Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

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

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Respondents for this ESD contract for

commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. In order for ESD to assess the use of New York State businesses in each Proposal, ESD requests that each Respondent complete the Encouraging Use of New York State Businesses in Contract Performance form, accessible here: https://esd.ny.gov/sites/default/files/media/document/USEOFNYSBUSINESSES-2025.pdf.

xi. Certification under State Tax Law Section 5-a

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

xii. Schedule A

Following final selection of a Respondent, ESD will prepare a contract defining all project terms and conditions and the Respondent's responsibilities in conformance with Schedule A. A sample can be found at: https://esd.ny.gov/sites/default/files/ScheduleA-Services_Materials-3818.pdf. Please note that Respondents should not provide the information/documentation required by Schedule A (aside from any information/documentation otherwise required by this solicitation) with the submission of a proposal. However, Respondents should thoroughly review the terms set forth in Schedule A, which are standard for all ESD contracts, and submit any concerns in writing together with the Respondent's Administrative Proposal. Failure to submit concerns in a timely manner shall be deemed a waiver of any objections to the terms contained in Schedule A and successful Respondents will be required to accept the terms therein as part of the executed contract between the parties.

xiii. Project Sunlight

This procurement is subject to the Public Integrity Reform Act of 2011. Under the Public Integrity Reform Act of 2011, "appearances" (broadly defined and including any substantive interaction that is meant to have an impact on the decision-making process of a state entity) before a public

benefit corporation such as ESD by a person (also broadly defined) for the purposes of procuring a state contract (as contemplated in this RFP) must be reported by ESD to a database maintained by the State Office of General Services that is available to members of the public. If in doubt as to the applicability of Project Sunlight, Respondents and their advisors should consult the Laws of 2011, Ch. 399 for guidance.

xiv. Insurance Requirements

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

- Commercial General Liability of $1 million per occurrence and $2 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 $1 million;
- Umbrella/Excess Liability - $4 million;
- Must show evidence of Worker's Compensation & Employer's Liability insurance at State statutory limits;
- Must show evidence of Disability insurance coverage at State statutory limits;

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

xv. W-9 Form

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

XI. DEBRIEFING OF UNSUCCESSFUL RESPONDENTS

With respect to unsuccessful Respondents, a written debriefing is available upon request made within 15 calendar days of notification by ESD that said unsuccessful Respondent's proposal was not selected for an award. The purpose of the debriefing is to be open and transparent, and to promote future competition. The debriefing should address strengths and weaknesses, including the qualitative and quantitative analysis used in assessing the relative merits of the proposals. ESD shall not disclose the content of any other proposal(s) during the debriefing that would jeopardize the integrity of the procurement process or impede contract negotiations.