NEW YORK STATE OF OPPORTUNITY.

Governor's Office of Motion Picture & Television Development

NYS Screen Academy Curriculum Request for Proposals

Issued: Friday, September 21, 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: Ralph Volcy
Secondary Contact: Shanah Jack

All contacts/inquiries shall be made by email to the following address:

ScreenAcademyCurriculum2026@esd.ny.gov

Proposals must be sent to the designated Dropbox:
https://www.dropbox.com/request/trackf3syesocuynogbj

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

Submission Deadline: December 14, 2026, by 2:00 PM EST

Proposals deemed to have arrived late will not be accepted

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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.

ESD is seeking to retain a Program Development firm to provide a comprehensive curriculum for a state-wide film and television training program. The curriculum will be used to provide foundational training for entry-level trades such as Production Assistants, Lighting Technicians, and Set Construction. The Program Developer will not be required to run the training programs but must be available to advise the training program operators for the first year of the program's operation.

The selection of a Program Development firm will be a competitive process based on Respondents' qualifications and ability to deliver a successful project on time and within the established budget.

II. OVERVIEW

To build a robust and inclusive film and television workforce, Empire State Development will launch the **NYS Film Academy**, a no-cost training program for underrepresented New Yorkers, leveraging the NYS Entertainment Workforce Diversity Grant Fund.

The NYS Film Academy will operate over multiple years with a statewide, coordinated curriculum. The program will be aligned with union-supported initiatives and existing pilot programs in New York. Selected training "hubs" from across the state will participate in a unified NYS effort, sharing curriculum standards, certifications, industry partnerships, and job placement pipelines.

The program is designed to expand access and equity in the industry by providing hands-on training and real-world experience to New Yorkers from underserved communities. It will integrate classroom instruction with professional production work on active films and television sets.

In alignment with regional "career pathway" strategies, the program will emphasize:

- Classroom learning combined with on-the-job training.
- Industry-recognized credentialing.
- Career navigation and placement support.

Program Objectives
Develop a standardized curriculum designed for use across all training locations. The curriculum must focus on the foundational, real-world technical production skills necessary to ensure graduates are immediately effective and can thrive in various on-set scenarios from day one.

The **standardized curriculum** should include the following key components:

- **Safety and Compliance:** Integrate all necessary safety training and provide clear pathways toward relevant industry certifications.
- **Professional Readiness (Soft Skills):** Include comprehensive instruction in professional conduct, on-set etiquette, and essential life skills to ensure graduates are prepared for the non-technical demands of the workplace.
- **Practical, Industry-Aligned Craft Training:** Outline a component for hands-on, practical experience in specific trade crafts. This training must be feasible within the allotted timeframe and directly align with current industry demand and needs.

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 ScreenAcademyCurriculum2026@esd.ny.gov .

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

IV. SCOPE OF WORK

The Program Development Firm (Contractor) will be retained to design, document, and prepare for the implementation of the comprehensive, multi-track curriculum for the NYS Film Academy.

Program Development and Structure (The Blueprint)
The Contractor shall design a model for a comprehensive, foundational 9–12-month training program that introduces three to four specific technical or craft-based production career paths (e.g., Production Office, Lighting/Electric, Grip, Art Department).

Required Deliverables:

1. Program Structure and Curriculum Map: A high-level document detailing the total training hours (classroom vs. on-set/practical), sequencing of modules, learning objectives for each module, and recommended prerequisites.
2. Career Pathway Definition: Detailed job descriptions and core competency requirements for the 3–4 targeted entry-level trades, based on current industry standards in New York.

3. Content Outline: A detailed table of contents for the entire 9–12-month program, broken down by module, including estimated time allocation (e.g., Module 1: Safety & Set Etiquette, 40 hours).

Curriculum Content Development (The Materials)
The Contractor shall develop all instructional materials required for the program operators' training "hubs" to run a unified, statewide program.

Required Deliverables:

1. Comprehensive Instructor Guides: Full, print-ready guides for each module, including:
    - Specific learning objectives and time per lesson.
    - Required classroom and practical activities.
    - Recommended instructional methods (e.g., lecture, simulation, hands-on practice).
    - List of necessary equipment and materials (including tools, software, and expendables).
2. Trainee Manuals/Workbooks: Professional, unified trainee handouts and materials for student use.
3. Hands-On Training Scenarios: A catalog of practical, hands-on exercises and simulations designed to provide real-world experience in key production departments (e.g., grip, electric, production office, accounting, art department).

Professional Readiness and Support Systems
The Contractor shall integrate and document all non-technical components necessary to ensure successful participant placement and retention, supporting the goal of expanded access and equity for underrepresented New Yorkers.

Required Deliverables:

1. Professional Readiness Curriculum: Standalone module(s) covering "soft skills" including set etiquette, communication, teamwork, professional conduct, financial literacy (freelance/gig economy basics), and general professional readiness training.
2. Student Support Services Protocol: A documented protocol outlining the necessary structure and content for ongoing student support services and career navigation, to be used by the program operators.
3. Job Placement Protocols: Detailed procedures and best practices for developing job placement pipelines, managing industry partnerships, and tracking graduate employment outcomes. This must align with regional "career pathway" strategies.

Alignment, Assessment, and Quality Assurance
The Contractor shall build in mechanisms for quality control and industry alignment to ensure the curriculum leads to successful, certifiable employment.

Required Deliverables:

1. Assessment Package: A full suite of pre- and post-program assessments, including:
    - Standardized written examinations (pre- and post-tests).
    - Standardized practical skills evaluations for hands-on experience.

- Evaluation rubrics for assessing student competency in both technical and soft skills.

2. Industry Alignment & Credentialing Plan: A report detailing the steps taken to align the curriculum with union-supported initiatives and recommending the specific Industry-Recognized Credentialing to be utilized. This includes a plan for how the hubs will achieve certification/alignment compliance.

Implementation and Advisory Support

The Contractor shall provide direct transitional support to the selected Training Hub operators to ensure the effective launch and delivery of the new curriculum.

Required Deliverables:

1. "Train-the-Trainer" Program Delivery: The Contractor shall develop and deliver a comprehensive "Train-the-Trainer" program directly to the instructors and program operators at the selected Training Hubs. This training will cover:
   - Effective use of the Instructor Guides and Trainee Manuals.
   - Execution of the Hands-On Training Scenarios and practical assessments.
   - Guidance on implementing the Professional Readiness and Student Support Protocols
2. Implementation Roadmap: A detailed plan for how the Training Hubs should phase in the new curriculum, including recommended staffing models, facility requirements, and the timeline for securing necessary equipment and materials.
3. One-Year Advisory Plan: A proposal detailing the frequency (e.g., quarterly check-ins, monthly technical support calls) and scope of the required advisory services for the program's operation. This support will be provided directly to the Training Hub operators, focusing on troubleshooting content delivery, answering technical curriculum questions, and facilitating minor curriculum adjustments based on initial student feedback.
4. Final Scope of Work and Recommendation Report: A comprehensive final report summarizing the methodology, including recommendations for ongoing curriculum maintenance and data collection by the Training Hubs.

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	September 21, 2026
Deadline for Submission of Questions	October 9, 2026
Deadline for ESD to Respond to Questions	October 16, 2026
Submission of Proposals (date and time)	December 14, 2026
Interviews (if necessary)	January 2027
Announcement of Successful Respondent	January 2027
Anticipated Contract Start Date	February 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.

Description	Weight
Quality of Proposal and Responsiveness to Project Objectives	30%
Respondent Team's Qualifications and Ability to Deliver on the Project	30%
Track Record of Respondent to Create Economic Impact to Targeted Communities	20%
Financial Feasibility of Proposal	10%
Diversity Practices	10%

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
F. Cost of Services
G. 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.

A. Cover page

The Cover page should include the submission title, respondent company and contact information, and submission date.

B. Table of Contents

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

C. Firm Experience and Qualifications

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

- **Relevant Expertise:** Detail your company's history and demonstrate your specific experience in film and television curriculum development and/or instruction.
- **Program Documentation:** Provide links to samples of previous training program curricula and supplemental materials (e.g., video recordings or photographs of instruction).
- **Client Referrals and Outcomes:** Include one or more client referrals from previous projects, clearly outlining the services provided and the documented program results.

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 Bidder 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.

D. Staff Experience and Qualifications

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

Information provided by references may be used for proposal evaluation purposes. The Corporation may seek additional information from references regarding subjects that include, but are not limited to, the quality of services provided, anticipated ability to perform the services required in this RFP, and the responsiveness of the Bidder to the client during the engagement.

E. Project Plan / Approach

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

- A full work plan addressing all the points in the above scope of work.
- A proposed timeline.
- A description of film and television industry contacts and relationships.
- An overview of consulting services available to selected operating "hubs"

F. Cost of Services

In this section, Bidders must provide a detailed, itemized budget outlining all costs required to fully execute the film and television curriculum development services. The proposal should clearly break down team hourly rates, instructional design fees, research and materials, and any associated consulting expenses, ensuring that all listed prices are all-inclusive and fixed for the duration of the contract.

G. Diversity Practices Questionnaire

ESD's Office of Contractor and Supplier Diversity will score each application for Diversity practices using Up to 10 points and will be awarded based upon the contents of the Diversity Practices Questionnaire (Appendix B), submitted by each Respondent to the RFP.

ii. Administrative Proposal

Schedule A of this RFP states standard requirements that must be included in every contract entered 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-May%202026.xlsx)
   - OCSD-4 - MWBE and SDVOB Utilization Plan (https://esd.ny.gov/sites/default/files/OCSD-4%20Utilization%20Plan.pdf)
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. – Template RFP – 12.14.2026**
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:

Click the following link:

a. **https://www.dropbox.com/request/trackf3syesocuynogbj**

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

***** *After completing step 4(b), please verify the contents of your upload and ensure that all required submission documents are included. If you are experiencing technical difficulties in connection with your upload to the Dropbox, please advise ESD at* ScreenAcademyCurriculum2026@esd.ny.gov *in advance of the submission deadline. ESD shall not be responsible for incomplete submissions or missing documents, and the failure to submit all required documents may result in your submission being rejected.*

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 ScreenAcademyCurriculum2026@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 clarification regarding sections of the RFP or advise 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 of 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. Respondents 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 is 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 people 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 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.

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. 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 [FOR RFP INVOLVING RETENTION OF A LAW FIRM, USE THE FOLLOWING LINK: https://esd.ny.gov/sites/default/files/media/document/ScheduleA-law-firms-December2021.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;
- 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.