Quantum Technology Commercialization Hubs

Issued: 8/12/26

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:	Shanah Jack
Secondary Contact:	Ralph Volcy

All contacts/inquiries shall be made by email to the following address:
QuantumTechCommHubs2026@esd.ny.gov

Proposals must be sent to the designated Dropbox:
https://www.dropbox.com/request/ginj5wtsadpm3fp78w8r

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 October 14, 2026

Proposals deemed to have arrived late will not be accepted

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I. INTRODUCTION

The mission of 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

Recent advances in quantum research are unlocking capabilities far beyond what current technologies can achieve and are drawing significant investment from both the public and private sectors. As quantum technologies emerge, they are expected to generate meaningful advances across industries from biotechnology to finance, creating new markets and economic opportunities. Regions that can successfully translate quantum research into practical applications, scalable companies, and broad industry adoption will be well positioned to attract investment, create jobs, and establish lasting leadership in this rapidly evolving field.

New York has long been a national leader in quantum research. The State's premiere universities and laboratories are pushing the boundaries of quantum computing, sensing, and secure communications, developing more powerful quantum processors, creating ultra-secure communication methods, and building highly sensitive quantum sensors with applications in medicine, energy, and national security. These discoveries are opening the door to practical technologies that could improve healthcare, protect data, and drive innovation across numerous industries.

Governor Hochul is taking concrete steps to translate New York's leadership in quantum research into tangible economic results for businesses, workers, and communities. Under her direction, Empire State Development (ESD) will establish up to four Quantum Technology Commercialization Hubs (Hubs) to commercialize quantum technologies, support quantum startups, facilitate collaboration between researchers and industry, and provide shared access to advanced equipment and expertise.

By connecting research, resources, and talent, the Hubs will help ensure that New York's scientific leadership in quantum research translates into real-world impact. This coordinated approach is expected to accelerate innovation, create high-value jobs, and position the state as a trailblazer in emerging global markets for quantum technologies.

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 QuantumTechCommHubs2026@esd.ny.gov

IV. SCOPE OF WORK

Under this RFP, ESD anticipates selecting up to four qualified organizations to each create a world-class Quantum Technology Commercialization Hub (Hub). The creation of each Hub may involve construction of a new building or the expansion or modification of an existing structure.
Only one Hub per region will be selected. Regions are defined in accordance with the Regional Economic Development Council Regional borders as specified here: https://regionalcouncils.ny.gov/.

ESD anticipates providing a total of up to sixty million dollars ($60,000,000) to up to four (4) entities that meet the scope of work and receive the highest evaluations. While it is anticipated that ESD will provide awards of approximately fifteen million dollars ($15,000,000) to each successful respondent, ESD specifically reserves the right to provide more or less funding to each successful respondent based on the relative strength, merit and demonstrated financial need of the various successful proposals.

Each designated Hub will serve as a regional anchor for accelerating the commercialization and adoption of quantum technologies. At a minimum, each Respondent must be able to undertake the following:

1. Establish and Operate a Physical Hub

- Build a new, or expand an existing facility to provide a physical location for the Hub that includes access to lab, specialty equipment, and collaboration spaces;
- Provide shared access to Hub resources for a wide array of regional partners, including startups, researchers from multiple institutions, businesses, and other quantum ecosystem participants; and,
- Maintain a primary specialization in one quantum area (e.g., computing, sensing, or communications), while also supporting engagement across other quantum subfields.

2. Advance Commercialization of Quantum Technologies

- Develop efficient processes to help translate quantum research into scalable, market-ready technologies;
- Support quantum technology validation, prototyping, and proof-of-concept development; and,
- Support pilot demonstrations and early customer validation.

3. Incubate and Accelerate Quantum-Related Startups

- Create a dedicated growth program specifically designed for the unique needs of quantum startups; and,

- Connect founders with industry experts, technical advisors, investors, and strategic business mentors.

4. Engage Industry and Drive Technology Adoption

- Build and maintain partnerships with regional businesses across relevant industry sectors;
- Identify and promote industry-specific use cases for quantum technologies; and,
- Facilitate collaborative pilot projects between researchers and corporate partners.

5. Coordination across the NYS Quantum Hub Network

- Plan and participate in statewide initiatives across designated Hubs;
- Collaborate with the other designated Hubs on strategies to advance quantum commercialization in NYS; and,
- Collaborate with other designated Hubs and related partners for any relevant federal solicitations.

6. Reporting and Performance Measurement

- Track and report key commercialization outcomes, including, but not limited to:
    - Number of startups supported;
    - Research successfully commercialized from university partnerships;
    - Levels of industry engagement, including partnerships and pilot projects; and,
    - Economic impact, such as jobs created, retained, and revenue generated.

Eligibility Requirements

- Respondents must be 501(c)(3) nonprofit organization, including academic or research institutions.
- Consortia comprised of two or more eligible entities within the state may apply. Any consortia application must have one lead Respondent who, if awarded, will act as the fiscal agent, will be responsible for all contractual obligations with ESD, and will host the Hub's physical location.

Respondents must demonstrate relevant experience in quantum R&D, technology incubation, and/or operation of comparable innovation centers.

Eligible Expenses

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

Ineligible Expenses

- Developer fees;

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

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	8/12/26
Information Session*	8/21/26
Deadline for Submission of Questions	8/28/26
Deadline for ESD to Respond to Questions	9/14/26
Submission of Proposals (date and time)	10/14/26
Interviews (if necessary)	TBD
Announcement of Successful Respondent	TBD
Anticipated Contract Start Date	TBD
Anticipated Debriefing Timeframe	TBD

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

*To participate, please RSVP by completing **Appendix C** and forwarding to QuantumTechCommHubs2026@esd.ny.gov by August 18, 2026.

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.

Hub Establishment and Operations (20 Points)

In this section of the Technical Proposal, Respondents should demonstrate their experience and capacity to create and operate the Hub by providing the following:

- Background and credentials of staff that will lead and operate the Hub;
- Details on the Respondent's past capital projects focused on technology innovation (if applicable);
- Specifications of whether the Hub will be a new building or an expansion of an existing building, as well as the projected timeline for construction and completion;

    - If an expansion: explain the full range of operations for the current building and how the Hub's operations will be incorporated. Specify if any existing operations in the building will remain programmatically isolated from the Hub;
- The proposed location for the Hub and how it will be optimally situated to maximize participation opportunities. Include details of any services that will be available virtually;
- The range of individuals and organizations that will utilize the Hub, specifically detailing how Hub resources will be available to entities not directly affiliated with the Respondent;
- Any anticipated fee structures for individuals or companies using the Hub (if applicable); and,
- Plans to support Hub operating costs initially and long-term. Include any commitments from partner institutions to support the Hub, including but not limited to, letters of support, pledged matching funds, and in-kind contributions.

Expertise and Industry Partnerships (20 Points)

In this section of the Technical Proposal, Respondents should demonstrate their experience and capacity to create and foster partnerships relevant to the Hub by providing the following:

- Any existing or pending partnerships with businesses or organizations that would support the goals of the Hub as stated in this RFP;
- Demonstrated access to quantum technology expertise and industry leadership;
- Plans to remain informed of the latest industry advances and demands related to quantum technologies; and,
- Experience managing intellectual property agreements related to any incubation services, co-development projects, prototype designs, or applied R&D initiatives with private-sector partners.

Startup Incubation (20 Points)

In this section of the Technical Proposal, Respondents should demonstrate how the Hub will support quantum startup incubation, including but not limited to:

- Experience in cultivating and supporting early-stage companies specializing in quantum technologies;
- Projections for the number of companies that will be supported by the Hub each year, as well as the description of the specific services available to them;
- Plan to recruit, engage, and retain mentors, industry experts, and other human capital critical to the success of participating startups; and,
- Plans for startup match making with corporate partners, end users, and customers.

Access to Advanced Tools and Infrastructure (15Points)

In this section of the Technical Proposal, Respondents should demonstrate the types and quantities of quantum-related equipment, software, and related infrastructure that will be available at the Hub, such as:

- Prototyping platforms;
- High-performance computing;
- Device and materials fabrication;
- Advanced manufacturing platforms;
- Shared lab facilities; and/or,
- Other lab equipment/ quantum-related hardware.

Cost of Services (15 Points)

In this section of the Technical Proposal, Respondents should provide the proposed fees to accomplish the scope of work, including a line-item breakdown of costs for physically building the Hub (construction) versus costs for tools and related equipment.

Diversity Practices (10 pts)

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
F. Cost of Services
- Diversity Practices

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.

Applications must not exceed 20 pages, including any budgets or appendices. If applications exceed the page limits, ESD will remove the extra prior to the review. During the review process, ESD may request additional written documents to answer questions or to provide clarification of issues raised during the review process.

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
- OCSD-2 - Staffing Plan
- OCSD-4 - MWBE and SDVOB Utilization Plan

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 – 1.1.2025**
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/ginj5wtsadpm3fp78w8r
    b. Choose the following option: Add Files > Folders from computer.

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

VIII. QUESTIONS

a. 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 QuantumTechCommHubs2026@esd.ny.gov

b. 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.

c. Information Session

An information session, hosted by ESD, will be scheduled for August 21, 2026. Respondents are not required to attend but are encouraged to do so. Respondents who wish to attend must RSVP by completing the form **(Appendix C)** and return to QuantumTechCommHubs2026@esd.ny.gov on or before August 18, 2026, to receive notice of the time and confirmation of the date and zoom link. When signing up to attend, please provide the name of the Respondent and firm, and the name, title, telephone number, and email address of all representatives who are attending.

ESD reserves the right to modify this RFP schedule at its discretion. Notification of changes in connection with this RFP will be made available to all interested parties by email and via ESD's website: https://esd.ny.gov/doing-business-ny/requests-proposals.

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

For purposes of this solicitation, ESD hereby establishes an overall goal of 30percent for MWBE participation, which includes 15 percent for New York State-certified Minority-owned Business Enterprise ("MBE") participation and 15 percent for New York State-certified Women-owned Business Enterprise ("WBE") participation (based on the current availability of MBEs and WBEs). A contractor ("Contractor") on any contract resulting from this procurement ("Contract") must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the Respondent agrees that ESD may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: https://www.mwbe.esd.ny.gov/. For guidance on how ESD will evaluate a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

The Respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.

In accordance with 5 NYCRR § 142.13, the Respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of contract and ESD may withhold payment as liquidated damages.

Such liquidated damages shall be calculated up to an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a proposal, a Respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at https://ny.newnycontracts.com,

provided, however, that a Respondent may arrange to provide such evidence via a non-electronic method by contacting the Office of Contractor and Supplier Diversity ("OCSD") at OCSD@esd.ny.gov.

Additionally, a Respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

A. An MWBE Utilization Plan with their proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to ESD for review and approval.

   ESD will review the submitted MWBE Utilization Plan and advise the Respondent of ESD acceptance or issue a notice of deficiency within 20 days of receipt.

B. If a notice of deficiency is issued, the Respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to OCSD at OCSD@esd.ny.gov, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the Respondent and direct the Respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the proposal.

ESD may disqualify a Respondent as being non-responsive under the following circumstances:

a) If a Respondent fails to submit an MWBE Utilization Plan;
b) If a Respondent fails to submit a written remedy to a notice of deficiency;
c) If a Respondent fails to submit a request for waiver; or
d) If ESD determines that the Respondent has failed to document good faith efforts.

The successful Respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to ESD, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful Respondent will be required to submit a quarterly MWBE Contractor Compliance & Payment Report to ESD, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a 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 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 monthly 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.

The required forms can be found at the following web addresses:

Form OCSD-1: https://esd.ny.gov/sites/default/files/OCSD-1-Policy-Statement.pdf
Form OCSD-2: https://esd.ny.gov/sites/default/files/media/document/OCSD-2-Staffing-Plan-May%202026.xlsx
Form OCSD-3: https://esd.ny.gov/sites/default/files/media/document/OCSD-%20Workforce-Utilization-Form-EEO-May-2026.xlsx
Form OCSD-4: https://esd.ny.gov/sites/default/files/OCSD-4%20Utilization%20Plan.pdf
Form OCSD-5: https://esd.ny.gov/sites/default/files/media/document/OCSD-5-Waiver-Request-Form-073124.pdf
Form OCSD-6: https://esd.ny.gov/sites/default/files/media/document/OCSD-6-Compliance-Report-Updated-121725.pdf

In the event that the above links are unavailable or inactive, the forms may also be requested from OCSD at OCSD@esd.ny.gov.

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

Article 3 of New York State Veterans' Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOB"), 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, Respondents are 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.

Contract Goals

A. ESD hereby establishes an overall goal of 6% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Respondent/Contractor should reference the directory of New York State Certified SDVOBs found at: https://online.ogs.ny.gov/SDVOB/search. Questions regarding compliance with SDVOB participation goals should be directed to the Designated Contacts. Additionally, following Contract execution, Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veterans' Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss additional methods of maximizing participation by SDVOBs on the Contract.

B. Contractor must document "good faith efforts" to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract.

SDVOB Utilization Plan

A. In accordance with 9 NYCRR § 252.2(i), Respondents are required to submit a completed SDVOB Utilization Plan on Form OCSD-4.

B. The Utilization Plan shall list the SDVOBs that the Respondent intends to use to perform the Contract, a description of the work that the Respondent intends the SDVOB to perform to meet the goals on the Contract, the estimated dollar amounts to be paid to an SDVOB, or, if not known, an estimate of the percentage of Contract work the SDVOB will perform. By signing the Utilization Plan, the Respondent acknowledges that making false

representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids or proposals, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOBs after the Contract award and during the term of the Contract must be reported on a revised SDVOB Utilization Plan and submitted to ESD.

C. ESD will review the submitted SDVOB Utilization Plan and advise the Respondent/Contractor of ESD acceptance or issue a notice of deficiency within 20 days of receipt.

D. If a notice of deficiency is issued, Respondent/Contractor agrees that it shall respond to the notice of deficiency, within seven business days of receipt, by submitting to ESD a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the Respondent/Contractor and direct the Respondent/Contractor to submit, within five business days of notification by ESD, a request for a partial or total waiver of SDVOB participation goals on OCSD-5. Failure to file the waiver form in a timely manner may be grounds for disqualification of the proposal.

E. ESD may disqualify a Respondent's proposal as being non-responsive under the following circumstances:

(a) If a Respondent fails to submit an SDVOB Utilization Plan;
(b) If a Respondent fails to submit a written remedy to a notice of deficiency;
(c) If a Respondent fails to submit a request for waiver; or
(d) If ESD determines that the Respondent has failed to document good faith efforts.

F. If awarded a Contract, Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Contract pursuant to the prescribed SDVOB contract goals set forth above.

G. Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, ESD shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

Request for Waiver

A. Prior to submission of a request for a partial or total waiver, Respondent/Contractor shall speak to the Designated Contacts at ESD for guidance.

B. In accordance with 9 NYCRR § 252.2(m), a Respondent/Contractor that is able to document good faith efforts to meet the goal requirements, may submit a request for a partial or total waiver on Form OCSD-5, accompanied by supporting documentation. A Respondent may submit

the request for waiver at the same time it submits its SDVOB Utilization Plan. If the documentation included with the Respondent's/Contractor's waiver request is complete, ESD shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.

C. Contractor shall attempt to utilize, in good faith, the SDVOBs identified within its SDVOB Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract award may be made at any time during the term of the Contract to ESD, but must be made no later than prior to the submission of a request for final payment on the Contract.

D. If ESD, upon review of the SDVOB Utilization Plan and Monthly SDVOB Compliance Report (OCSD-6) determines that Contractor is failing or refusing to comply with the contract goals and no waiver has been issued in regards to such non-compliance, ESD may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals.

Waiver requests should be sent to OCSD.

Required Good Faith Efforts

In accordance with 9 NYCRR § 252.2(n), Contractors must document their good faith efforts toward utilizing SDVOBs on the Contract. Evidence of required good faith efforts shall include, but not be limited to, the following:

(1) Copies of solicitations to SDVOBs and any responses thereto.

(2) Explanation of the specific reasons each SDVOB that responded to Respondents/Contractors' solicitation was not selected.

(3) Dates of any pre-proposal, pre-award or other meetings attended by Contractor, if any, scheduled by ESD with certified SDVOBs whom ESD determined were capable of fulfilling the SDVOB goals set in the Contract.

(4) Information describing the specific steps undertaken to reasonably structure the Contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs.

(5) Other information deemed relevant to the waiver request.

Monthly SDVOB Contractor Compliance Report

In accordance with 9 NYCRR § 252.2(q), Contractor is required to report Monthly SDVOB Contractor Compliance to ESD during the term of the Contract for the preceding month's activity,

documenting progress made towards achieving the Contract SDVOB goals. This information must be submitted using form OCSD-6 available on the ESD website and should be completed by the Contractor and submitted to ESD, by the 10th day of each month during the term of the Contract, for the preceding month's activity to: OCSD@esd.ny.gov.

Breach of Contract and Damages
In accordance with 9 NYCRR § 252.2(s), any Contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the Contract, shall be found to have breached the contract and Contractor shall pay damages as set forth therein.

Damages shall be calculated based on the actual cost incurred by the State agency related to the State agency's expenses for personnel, supplies and overhead related to establishing, monitoring, and reviewing certified service-disabled veteran-owned business enterprise programmatic goals.

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 qualified organizations 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;

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

- Commercial General Liability Construction of $5 million per occurrence and $10 million in the aggregate;
- In the event that you are using a vehicle in business, Commercial Automobile insurance with a limit of not less than $5 million;
- Umbrella/Excess Liability - $25 million - $100 million (for large multi-year projects additional aggregate maybe required);
- Railroad Protective Liability - $2 million per occurrence/$6 million aggregate (for contracts when work is within 50 feet of tracks);
- Contractor's Pollution Liability - $5 million for hazardous or regulated material;
- Pollution Legal Liability - $2 million for disposal on non-owned site;
- Marine Protection and Indemnity - $5 million per occurrence/$10 million aggregate (if work on or over navigable waterways);
- Builder's Risk/Installation Floater – total contract cost;
- Cyber Professional Liability - $3 million, for contracts with data access;
- Professional Liability - $2 million;
- Architects and Engineers Professional Liability - $2 million;
- Valuable Papers - $500,000, for A&E consultants;
- Contractor's Protective Professional Indemnity (CPPI) Insurance - $5 million, if Design Build CM;
- Must show evidence of Worker's Compensation & Employer's Liability insurance at State statutory limits;
- Must show evidence of Disability insurance coverage at State statutory limits;

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

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 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. Debriefing is typically conducted one of three (3) ways: by video conference, by telephone conference, or through written correspondence. The purpose of the debriefing is to be open and transparent, and to promote future competition. The debriefing should address strengths, weaknesses, and provide other relevant information that ESD used to determine best value, including the qualitative and quantitative analysis used in assessing the relative merits of the proposal. 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.