



**NEW YORK**  
STATE OF  
OPPORTUNITY™

**Empire State  
Development**

New York State's  
Community Development Financial Institution (CDFI)  
Assistance Program  
Request for Proposals

PROPOSAL DUE DATE AND TIME: September 30, 2015 @ 4:00 PM  
(Late proposals cannot be accepted)

## TABLE OF CONTENTS

- I. Introduction
- II. Overview
- III. Guidelines
- IV. Scope of Work
- V. Required Information
- VI. Schedule of Dates
- VII. Selection Criteria
- VIII. Submission Process
- IX. Questions
- X. General Provisions
- XI. Additional Requirements
- XII. Definitions

## **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.

## **II. OVERVIEW**

The purpose of ESD's Community Development Financial Institution (CDFI) Assistance Program (the "Program") is to strengthen and expand the capacity, products, and services of certified CDFIs' lending programs for small businesses and/or minority and women-owned business enterprises, minority and women business enterprises (collectively "M/WBEs") (see page 11 through 12 of this RFP for definitions) throughout New York State. Since the program's inception in 1997, more than \$10 million has been awarded to more than 50 CDFIs across the state.

## **III. GUIDELINES**

- A. Projects - ESD seeks proposals from certified CDFIs that will have the following effects in the communities in which they are located:
  1. Increase business ownership and business expansion among small businesses, with special emphasis on minority group members and women;
  2. Help entrepreneurs, with special emphasis on minority and women-owned startups, make the transition into small-growth companies;
  3. Increase access to financing by small businesses, with special emphasis on minority and women-owned firms;
  4. Facilitate the creation of private sector jobs.
- B. Eligibility Requirements - To be eligible to receive grant proceeds from ESD, all applicants must:
  1. Provide proof that the organization is certified by the United States Department of the Treasury as a CDFI on the date of grant approval by ESD's Directors, and on the dates of all disbursements of ESD funds. Program awards will be contingent upon current Federal certification and/or recertification status.
  2. Obtain New York State Prequalification and related registration standards through the Grants Reform System. This will ensure eligibility to participate in this future RFPs and receive potential program awards (see instructions in section XII (C));
  3. Primarily focus its activities on M/WBE and/or small business lending, as described in section IV of this RFP.
  4. Be legally able to receive and use the proceeds as herein stated;
  5. Meet any other requirements herein stated for the specific purpose of the grant; and
  6. Be current with reporting requirements for any other ESD assistance, including any previous CDFI Program funding.
- C. Partnerships - Applicants may submit proposals independently, but ESD encourages applicants to pursue partnerships and submit joint proposals.

## 1. Joint Proposals

- a. Applicants and co-applicants must both be certified CDFIs;
- b. ESD will consider applicants whose program capacity will complement each other, building off of historical strengths. Partners should demonstrate the ability to provide one-on-one technical assistance that supports the need of the M/WBEs and small businesses that seek access to capital. For example, one CDFI might focus on underwriting services and collections, while the co-applicant might focus on neighborhood business deal sourcing, TA and loan packaging.
- c. Applications should divide the budget in accordance with the role of the partnership.

## 2. Independent Proposals

- a. Organizations must demonstrate the ability to provide CDFI services independently.
- b. ESD will consider individual proposals if there is significant capacity or limited availability of partnerships in service areas.
- c. Applicant must demonstrate strong lending capacity and the ability to provide independent technical assistance services, such as one-on-one assistance, peer lending groups and strong training components.
- d. Applicant must demonstrate strong linkages with non-CDFI service providers in the area, which can support its efforts and help source clients.

## D. Grant Amount

For Partnerships and other applicants, Grant awards will generally not exceed \$100,000. ESD reserves the right to award grants in amounts greater than \$100,000 depending upon the number and quality of proposals received and other considerations set forth in this RFP. The project period will generally be no longer than twelve (12) months. Higher award levels will generally be made to partnerships of organizations.

## E. Funding Source

The Program will be funded from the 2015-2016 New York State CDFI Budget Appropriation of \$1.795 million and an additional \$216,486 that were unutilized in previous funding rounds, to provide support for both the M/WBE and small business communities.

## F. Project Timeline

Projects will commence on January 1, 2016 and end on December 31, 2016.

## G. Additional Conditions

1. Project final payment requests from the previous CDFI Assistance Program round must be submitted on/or before the start date of the new project.

2. ESD will establish reporting requirements to account for the utilization of grant proceeds by the CDFI. The grant is to be used only for the purposes stated in the organization's proposal or otherwise approved, in writing, by ESD.
3. All activities generated by funding from ESD, or toward which ESD grant proceeds are used, shall be conducted according to the standard business practices of the recipient organization and any agreements with ESD.

#### **IV. SCOPE OF WORK**

The Program will make grants available to CDFIs for four general purposes:

##### **A. The Provision of Technical Assistance**

Funds may be used to provide technical assistance ("TA") to M/WBEs and/or small businesses that currently have outstanding loans from the organization or that may borrow funds from the organization within one year from the date of application for ESD funds. This TA should be geared toward ensuring the success of business borrowers and the repayment of their loans. In addition, funds may be used to provide TA to existing borrowers or potential borrowers to obtain State M/WBE Certification. Funds may also be used to provide technical assistance to enroll M/WBEs and/or small businesses in business-focused Individual Development Account programs that have previously received funding through the Program.

Preference will be given to proposals that emphasize the provision of one-on-one consultation with borrowers on such business development topics as financial record keeping and financial statement preparation, tax issues, marketing, the use of technology, etc. TA may be provided by qualified staff or outside business development consultants.

For grant proceeds to be used toward technical assistance:

1. The applicant must take specific actions to ensure the participation of M/WBEs and/or small businesses, if applicable, in the TA program
2. The assistance must be directly relevant to the beneficiaries' businesses

##### **B. Loan Capital or Loan Loss Reserves (for term loans and/or lines of credit)**

Grant proceeds may be used for loan capital so long as:

1. The approved loan is for a business purpose
2. Grant proceeds are not used for refinancing a previously made loan
3. Awards of loan capital are dependent upon leveraging other funds for loan capital

Grant proceeds may be used for loan loss reserves so long as:

- a. Budgeted loan loss reserve funds are fully used during the project period to cover claims incurred during the project period that meet criteria outlined in Section IV, part B 1 and 2.
- b. If loan loss reserve funds are not fully used during the project period, the funds must be reallocated, in coordination with ESD, to another allowable use prior to the end of the project period.

C. Institutional Capacity

Funds may be used to increase the institutional capacity of the CDFI and strengthen its provision of products and services to M/WBEs and/or small businesses. Funds may be used to support activities that enhance management capacity and organizational development so that the CDFI can improve its performance, offer enhanced products and services, and/or encourage greater client participation in current programs. Preferred activities include assessing the present and future needs of the organization's target market, evaluating the economic impact of past activities, and establishing systems for evaluating and reporting the impact of future activities. Funds may also be used to enhance marketing materials to include the promotion of the State M/WBE certification program. In addition, funds may be used for specific purposes including, but not limited to, the hiring of consultants, implementation of a market survey, and the purchase of computer software. Note, funds may not be used to purchase computer hardware, nor to pay for travel or travel-related expenses. Exceptions may be made for travel for staff training in instances where ESD grants approval, in writing, prior to travel.

D. Administrative support

Up to 10% of the grant proceeds may be used for administration of the CDFI's technical assistance and small business lending programs, including the costs of administering ESD grants, and other overhead and indirect costs (i.e., a portion of the rent or utilities, marketing materials, supplies or salaries) associated with the provision of technical and financial assistance.

**V. REQUIRED INFORMATION**

Proposals must include the following sections:

A. Organization Information (If a joint applicant, provide a section on each applicant)

1. General: Describe the following:

- a. The organization's mission and history of providing technical and financial assistance to M/WBEs and/or small businesses.
- b. The geographic service area and/or targeted populations served by the organization, including any emphasis on startups, credit risks and other businesses that lack access to credit.
- c. The types of financial and technical assistance products and services offered.

- d. The organization's marketing strategy and coordination with other community-based organizations.
  - e. The management capacity/professional experience of key staff (refer to attached resumes as appropriate).
  - f. The organization's strategic plan
2. Lending Activity: Provide the following information (include organization's loan policy manual and make reference as applicable):
- a. Describe credit analysis and due diligence procedures employed in the loan/line of credit program.
  - b. Describe loan or line of credit approval and portfolio monitoring/collections procedures.
  - c. Provide business loan (or line of credit, if applicable) reports, certified by an organization officer, showing the following:
    - i. The number of business loan or line of credit applications received and the number approved, and the number and aggregate principal amount of business loans closed for the years 2012, 2013 and 2014;
    - ii. The number and aggregate principal amount of business loans disbursed or line of credit extended to M/WBEs and/or small businesses in 2012, 2013 and 2014.
    - iii. The number of business loans or lines of credit that were current in their repayments or were under 31 days past due, and the aggregate amount of principal outstanding for those loans, as of December 31, 2014;
    - iv. The number of business loans or lines of credit with payments past due as of December 31, 2014, and the aggregate amount of principal outstanding for those loans, in the following categories: 31-60 days past due, 61-90 days past due, and 90+ days past due; and the total amount of principal outstanding for all three delinquency categories.
    - v. The Delinquency Ratio as of December 31, 2014 (the ratio of the principal outstanding for business loans or lines of credit with payments 31 days or more past due, divided by the total amount of business loan or line of credit principals outstanding);
    - vi. The number of business loans and aggregate amount of business loan principal charged off in 2012, 2013 and 2014;
    - vii. The number of business lines of credit and aggregate amount of business credit line principal charged off in 2012, 2013 and 2014;
    - viii. The Net Loan Loss and Line of Credit Loss Ratios for 2012, 2013 and 2014 (net charge-offs of business loans during the year, divided by the total amount of business loan or credit line principals outstanding at year-end).
    - ix. The Loan Loss Reserve and Line of Credit Loss Reserve Ratios as of December 31, 2014 (total business loan loss reserve divided by total business loan principal outstanding).

- x. Capital Available as of December 31, 2014 (please include formula used):
  - 1) Total Borrowed Capital, Equity and Equity Equivalents immediately available for lending
  - 2) Total Committed Capital (*Funds committed to your organization by an outside source that are available for lending but have not yet been drawn down. Such undrawn funds can consist of both debt and equity but excludes lines-of-credit. Attach a list of sources and amounts committed*)

B. Project Activities, Results, and Implementation

Describe in detail how this grant from ESD would be used:

1. Describe the specific activities that will be undertaken and funded through the project.

If a joint application, for each item below, identify the roles and responsibilities of each co-applicant.

- a. If requesting funds for technical assistance, describe in detail the nature of the technical assistance to be provided, describe the systems in place to market and deliver these services, and the ways that such technical assistance will support your organization's lending activities. Describe the overall technical assistance program as well as the specific ways in which ESD grant funds will be used. If the provision of one-on-one technical assistance to businesses is identified as a measurable goal in section 2.b below, such assistance must be substantive and generally should involve face-to-face meetings. Assistance should be provided on business development topics and may include financial analysis, marketing, and the assistance with the preparation of business plans, financial statements and applications for financial assistance. Please indicate the number of businesses to which your organization will provide TA, and the percentage of clients that will receive pre-loan and post loan TA.
- b. If proposing activities open to the public such as workshops and seminars, describe those specific actions that will be taken to ensure the participation of minorities and women and efforts that will be taken to continue to engage participants once the event ends. If requesting loan capital, line of credit or loan loss reserve funds, refer to the Scope of Work set forth in Section IV.B of this RFP and provide the information specified in that Section.
- c. If requesting funds for institutional capacity refer to the guidelines set forth in Section IV.C of this RFP and provide the information specified in that Section.
- d. If requesting funds for loan capital, explain the need for this type of funding in terms of the applicant's overall supply and demand for loan capital or lines of credit, including a discussion of other sources of loan or credit line capital that are available to the applicant, as well as the rationale for requesting this form of funding as opposed to funding for loan loss reserve that could leverage other sources of capital; and the ways in which the benefits of this funding will be passed along to M/WBE and small businesses borrowers.
- e. Discuss the need and level of demand for these activities in the target community



- f. Identify the reasons that your organization requires grant assistance in order to undertake these activities.
    - g. Identify any other entities involved in the project (other community development organizations; units of local, state or federal government, etc.), and describe the nature of their involvement.
  2. List the specific goals that the organization will achieve as a direct result of the requested grant funding, and provide a timeline for the project (see attached example Exhibit A).
    - a. Include the measurable outcomes (number and type of beneficiaries, number of loans made, etc.) and the economic impact to be achieved as a direct result of ESD grant funding. These goals should be realistic and achievable based on the applicant's experience in operation as a CDFI. The proposed goals should reflect only the funding being requested. For example, if funds will be used to pay for only part of the salary of a technical assistance provider, describe the goals to be achieved only during that portion of the individual's time that will be funded with ESD grant funds. Applicants may also describe goals for the organization as a whole and the ways that ESD's grant funds would contribute to the attainment of these broader goals.
    - b. Describe how these goals compare to the organization's achievements in the past three years (i.e. do these goals represent increased activity, decreased activity, no change, etc.)
  3. Provide a detailed budget for the project (see attached example Exhibit D).
    - a. Include funding sources, personal service costs (with job title and description), consultant fees (identify consultant if known), and a breakdown of all other technical assistance costs.
    - b. Describe the ways, if any, that ESD's grant funds would leverage other revenue sources.
  4. Provide the following:
    - a. Completed Exhibit A1: Cover Sheet
    - b. Completed Exhibit A2: Cover Sheet - Secondary or Co-Partner Application (if applicable)
    - c. Complete Exhibit B: Proposal Summary
    - d. Audited financial statements for the past three years, including a draft of the applicant's internal statements or the most recent interim statements, if annual statements are more than 12 months old.
    - e. Accurate loan reports including business loan and line of credit reports, and analysis of business loan and line of credit performance.
    - f. Proof of current Federal CDFI Certification and/or recertification.
    - g. If the applicant has previously received ESD funding through the CDFI Assistance Program, attach:

- i. A copy of the final report narrative (Exhibit B without attachments) submitted for the last two completed projects,
- ii. An interim Technical Assistance and Lending Report and Institutional Capacity Report (Exhibit G-2) without attachments from any grant disbursement agreement still in effect, with a description of the organization’s cumulative progress toward the goals listed in Exhibit A of said agreement, and the anticipated date of project completion.
- iii. Information on the current status of each grant in terms of the amount of funding awarded and the amount disbursed to date by ESD.

**VI. SCHEDULE OF DATES**

Release of RFP	August 24, 2015
Deadline for Submission of Questions	September 11, 2015 @ 12:00PM
Deadline for ESD to Respond to Questions	September 18, 2015
Submission of Proposals (date and time)	September 30, 2015 @ 4:00 PM
Announcement of Grantees and Awards	November 30, 2015
Anticipated Start Date	January 1, 2016

**VII. SELECTION CRITERIA**

- A. ESD will balance individual application scores with priorities for geographic distribution across NYS. The evaluation criteria will include the following:
  - 1. Completeness of the proposal
  - 2. Organizational capacity and stability
  - 3. Track record of small business lending in NYS, especially in underserved communities and to underserved populations that have difficulty accessing traditional credit markets
  - 4. Compliance of the proposal with the “Guidelines” section and other terms and conditions of this request for proposals
  - 5. The applicant’s record in meeting the performance goals, timelines and reporting requirements established under previous CDFI Assistance Program awards from ESD, if any. ESD may choose not to consider proposals from organizations that are not in compliance with the contracting and reporting requirements of previous CDFI Assistance Program awards, or that have substantial funding available through previous awards.
  - 6. The applicant’s operating budget and institutional capacity for using grant funds effectively.
  - 7. The applicant’s capacity to illustrate a strategic plan and describe how ESD’s assistance will help the grantee achieve this plan.
  - 8. Applicant’s ability to demonstrate a strong lending base, underwriting capacity, deal-sourcing capacity, and a low default ratio.
- B. Additional Considerations

1. In cases where applicants propose activities similar to those funded by ESD via existing or pending CDFI Assistance Program agreements with the applicant (“Follow-on Activities”), ESD may choose not to approve additional funding for such activities. If ESD does agree to fund such Follow-on Activities, no new grant funds awarded pursuant to this RFP for such activities will be disbursed until the similar activities funded through existing agreements have been completed in accordance with the terms of such agreements. ESD alone will determine whether proposed activities qualify as Follow-on Activities.
2. By submitting its proposal, each applicant authorizes ESD to contact any and all other persons identified in its proposal or in any investigation conducted by or on behalf of ESD or the State, and obtain the release of pertinent financial and other information, as well as to obtain verification of the information provided by each applicant.

#### **VIII. SUBMISSION OF PROPOSALS**

Your response marked “CDFI Assistance Program” must be received by ESD no later than 4:00 PM EST on September 30, 2015 at the following address:

Empire State Development Corporation  
633 Third Avenue, 35<sup>th</sup> Floor  
New York, NY 10017  
Attn: Edgar Camacho  
Re: CDFI Assistance Program RFP Response

Your response must include five (4) unbound hard copies and one (1) electronic copy (in the form of a flash drive or CD-ROM).

#### **IX. QUESTIONS**

- A. Please submit all questions via email to [Rachael.Dubin@esd.ny.gov](mailto:Rachael.Dubin@esd.ny.gov). Questions must be received by September 11, 2015 @ 12:00PM
- B. Answers to all questions will be posted September 18, 2015 on ESD’s Website at: <http://esd.ny.gov/CorporateInformation/RFPs.html>

#### **X. GENERAL PROVISIONS**

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

1. Award grants in any amount;
2. Amend, modify or withdraw this RFP;
3. Revise any requirement of this RFP;
4. Require supplemental statements or information from any responsible party;
5. Accept or reject any or all responses hereto;
6. Extend the deadline for submission of responses hereto;
7. Negotiate potential contract terms with any respondent to this RFP;

8. Discussions with any respondent to this RFP to correct and/or clarify responses which do not conform to the instructions contained herein;
9. Cancel, or reissue in whole or in part, this RFP, if ESD determines in its sole discretion that it is its best interest to do so; and
10. 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 responding firm.

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, all Proposals may be discussed at meetings of the ESD Directors, which meetings are subject to the Open Meetings Law.

#### **XI. ADDITIONAL REQUIREMENTS**

Additional requirements for this RFP are described below. Relevant forms, where required to be submitted, must be executed and included in the submission in the same order as listed below:

- i. Vendor Responsibility Questionnaire
- ii. New York State Prequalification System for Grants Contract Vendors
- iii. Non-Discrimination and Contractor & Supplier Diversity Requirements
- iv. Insurance Requirements

##### **i. 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 to this RFP register in the State's Vendor Responsibility System (“Vend-Rep System”). The Vend-Rep System allows business entities to enter and maintain their Vendor Responsibility Questionnaire information in a secure, centralized database. New York

State Procurement Law requires that state agencies award contracts only to responsible vendors. Respondents are to file the required Vendor Responsibility Questionnaire online via the Vend-Rep System or may choose to complete and submit a paper questionnaire. Please include a copy of your Vend-Rep submission receipt or paper questionnaire with your proposal.

To enroll in and use the Vend-Rep System, see the System Instructions available at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or go directly to the Vend-Rep system online at <https://portal.osc.state.ny.us>. For direct Vend-Rep System user assistance, the Office of the State Comptroller's Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at [helpdesk@osc.state.ny.us](mailto:helpdesk@osc.state.ny.us).

Respondents opting to file a paper questionnaire can obtain the appropriate questionnaire from the Vend-Rep website ([http://www.osc.state.ny.us/vendrep/forms\\_vendor.htm](http://www.osc.state.ny.us/vendrep/forms_vendor.htm)) and execute accordingly pertaining to the company's trade industry. Per the website, respondents are to "Select the questionnaire which best matches the business type (either For-Profit or Not-For-Profit) and business activity (Construction or Other)."

**ii. New York State Prequalification System for Grants Contract Vendors**

As part of Governor Cuomo's initiative to better serve the people of the State of New York, a web-based grants management system, Grants Gateway, was launched in spring 2013. The Grants Gateway was established to improve the way grants are administered by the State of New York. Beginning July 31, 2013, all not-for-profit organizations receiving funds from New York State agencies and authorities must be prequalified in Grants Gateway prior to the execution of a contract or a contract amendment.

Based on the above information, you are required to complete the steps outlined below to receive an executed contract or contract amendment. If you are not the appropriate contact for this communication, please forward to the person in your organization responsible for the management of grant funding. Send any questions to Greta Carter-Williams, ESD's program representative, at [gcwilliams@esd.ny.gov](mailto:gcwilliams@esd.ny.gov) or email [GrantsReform@Budget.ny.gov](mailto:GrantsReform@Budget.ny.gov) with Prequalification in the subject line.

**Register With the Grants Gateway**

1. The Registration Form is available for download at [www.grantsreform.ny.gov](http://www.grantsreform.ny.gov). The Registration Form can be accessed by clicking the link at the top of the page in yellow labeled "Click HERE to access the Portal or browse for more information below".
2. Include your State Financial System ("SFS") Vendor ID on the Form; if you are a new vendor and do not have a SFS Vendor ID, include a Substitute for W-9 with your signed, notarized registration (also available from the Grants Reform Web site).

3. All registrations must include an Organization Chart in order to be processed.
4. Mail the completed Registration Form, Organization Chart that shows the Head of your Organization, and Substitute W-9 (if new vendor) to:  
Division of Budget - Grants Reform  
Agency Building 1 - 5th Floor  
Empire State Plaza, Albany, NY 12224
5. When you receive your login information via email, log in and change your password. This password will allow access to the Grants Reform Web site.
6. Associate your organization with a State agency (ESD) by clicking on Organization(s) and then selecting Organization Information; complete all required fields.
7. Complete the Document Vault by uploading requested documents and answering all questions.
8. Upon completion of the Document Vault, submit it for review and prequalification.
9. If you believe your organization has submitted its Prequalification application and has submitted any requested documents omitted from your registration, please contact ESD's program representative or the Grants Reform Team by emailing [GrantsReform@Budget.ny.gov](mailto:GrantsReform@Budget.ny.gov) with Prequalification in the subject line.

**iii. Non-Discrimination and Contractor & Supplier Diversity Requirements**

Pursuant to New York State Executive Law Article 15-A, Empire State Development ("ESD") recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority and women-owned businesses in the performance of ESD contracts.

It is the policy of the State of New York, and ESD, to comply with all Federal, State and Local laws, policies, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action in working with contracting parties to ensure that New York State Business Enterprises, certified Minority and Women-owned Business Enterprises (MWBEs), Minority Group Members and Women share in the economic opportunities generated by ESD's participation in projects or initiatives, and/or the use of ESD funds.

ESD's Non-Discrimination and Contractor & Supplier Diversity policies will apply to this initiative. A copy of each respondent's Equal Employment Opportunity Policy Statement (Form OCSD-1) shall be included as part of the response to this RFP.

General inquiries or questions relating to aforementioned policies and/or MWBE participation with regard to this project may be addressed to the Office of Contractor and Supplier Diversity ("OCSD") at [OCSD@ESD.NY.GOV](mailto:OCSD@ESD.NY.GOV).

**iv. Insurance Requirements**

The selected Consultant 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
- In the event you are providing professional services, you will need to provide professional liability insurance in the amount of \$1,000,000
- Evidence of Workers Compensation/Employer's Liability insurance at State statutory limits
- 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 the NYS UDC (d/b/a ESD)

## **XII. DEFINITIONS**

For the purposes of this RFP the following words or terms shall mean as follows:

### **A. Small businesses**

A small business shall be deemed to be one which is resident in New York State, independently owned and operated, not dominant in its field, and employs one hundred or less persons.

### **B. Minority Business Enterprise ("MBE")**

A business enterprise, including a sole proprietorship, partnership or corporation that is: (i) at least fifty-one percent (51%) owned by one or more Minority Group Members; (ii) an enterprise in which such minority ownership is real, substantial and continuing; (iii) an enterprise in which such minority ownership has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; (iv) authorized to do business in the State of New York, is organized on a for-profit basis, and is independently owned and operated out of a fixed business location; (v) an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a personal net worth that does not exceed three million five hundred thousand dollars, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and (vi) an enterprise that is a small business pursuant to subdivision twenty of this section.

### **C. Minority Group Member**

A United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups: (i) Black persons having origins in any of the

Black African racial groups; (ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin, regardless of race; (iii) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands; and (iv) Native American or Alaskan native persons having origins in any of the original peoples of North America.

D. Women-owned Business Enterprise (“WBE”)

A business enterprise, including a sole proprietorship, partnership or corporation that is: (i) at least fifty-one percent (51%) owned by one or more citizens or permanent resident aliens who are women; (ii) an enterprise in which the ownership interest of such women is real, substantial and continuing; (iii) an enterprise in which such women ownership has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and (iv) authorized to do business in the State of New York, is organized on a for-profit basis, and is independently owned and operated out of a fixed business location; (v) an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a personal net worth that does not exceed three million five hundred thousand dollars, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and (vi) an enterprise that is a small business pursuant to subdivision twenty of this section.

E. M\WBE Certification

The official determination by the New York State Division of Minority and Women’s Business Development of a business enterprise as a bona fide minority and/or women-owned business enterprise (MWBE).

The MWBE certification status of a firm may be verified using the online directory of certified firms, available at the link below.

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=1740>

For more information on M\WBE certification, please see our website at: [www.esd.ny.gov/mwbe.html](http://www.esd.ny.gov/mwbe.html) or call (1-800-782-8369) for more information.

F. Technical Assistance

Business technical assistance is provided to an entrepreneur to address ongoing or specific challenges or needs, such as the development of a business plan or the resolution of a production or marketing problem. When a business is in formation, monitoring will help define specific and/or ongoing needs early. This assistance often is on a one-to-one basis in a consulting format.

Technical assistance may also be provided to assist clients in obtaining State M\WBE Certification.

G. Institutional Capacity/ Capacity Strengthening



Institutional capacity building is defined as the provision of technical or material assistance designed to strengthen one or more elements of organizational effectiveness. The elements of organizational effectiveness include governance, management capacity, human resources, financial resources, service delivery, external relations and sustainability. Examples include the purchase of software, training of staff, conducting research studies for expansion or growth and marketing.

#### H. New York Prequalification

The Grants Gateway was established to improve the way grants are administered by the State of New York. Beginning July 31, 2013, all not-for-profit organizations receiving funds from New York State agencies and authorities must be prequalified in Grants Gateway prior to the execution of a contract or a contract amendment. For additional information, please refer to [GrantsReform@Budget.ny.gov](mailto:GrantsReform@Budget.ny.gov).