



Division of Science, Technology & Innovation

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2017 REQUEST FOR PROPOSALS

NEW YORK STATE SCIENCE AND TECHNOLOGY LAW CENTER PROGRAM

RFP Number: 17-6125

RFP Released: October 20, 2017

PROPOSALS DUE: December 8, 2017 BY 2:00 P.M.

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I. Program Overview and Requirements

A. Program Goals and Objectives

Empire State Development Division of Science, Technology and Innovation (NYSTAR) anticipates designating one New York State Science and Technology Law Center (STLC or “Law Center”) under this RFP to be a statewide resource for New York’s technology-related legal issues. The Law Center will increase awareness and understanding of legal issues such as the protection and commercialization of intellectual property; royalties, technology transfer practices; patent, copyright and trademark law; market landscape and licensing agreements.

The Law Center will primarily advise Centers for Advanced Technology (CAT’s), Centers of Excellence (CoE’s), NYS Designated Incubators & Innovation Hot Spots, Digital Gaming Hubs, Regional Manufacturing Extension Partnership Centers (MEP Center’s) (collectively herein cited as “NYSTAR Centers” or Centers), New York State startup and early stage technology companies and NYSTAR on technology-related legal issues. The Law Center will also provide any other reasonable services deemed necessary by NYSTAR including, but not limited to:

- Conducting and distributing research on laws, regulations, and legal decisions that impact the flow of technology transfer and academic research;
- Entering into a Memorandum of Understanding with each NYSTAR Center to provide legal research and information;
- Working directly with startup and early stage technology companies outside university settings; and,
- Working with Centers in creating and hosting venture capital fairs.

B. Designation Period, Contract Period, and Anticipated Funding

All proposals should reflect NYSTAR funding in the amount of up to \$343,000 per year. Up to one award may be made in this competition. The institution awarded a Law Center designation under this competition shall be designated for a period of up to five years, provided the Law Center’s performance is deemed satisfactory by NYSTAR at each annual evaluation. The contract is anticipated to commence on April 1, 2018. The Law Center will be eligible to receive **up to \$343,000** annually, subject to the availability of State funds, to support those allowable activities described in Section I.F. **Proposals submitted for greater than \$343,000 in annual NYSTAR support will be rejected without review. If funding increases or decreases during the designation period, the contract will be modified to reflect the change in funding; and, NYSTAR will work with designees to adjust budgets accordingly.**

The amount of NYSTAR funds reimbursed to the award recipient will be based on the amount of eligible matching funds expended (see Section 1.E.). NYSTAR reserves the

right to adjust the amount of an award recipient's funding based upon the availability of State funds, and the Law Center's ability to meet the matching funds requirements.

C. Grants Gateway

In 2013, New York State launched Grants Gateway, a web-based grants management system designed to improve the way grants are administered by the state. Grants Gateway allows not-for-profit organizations to browse, search and review anticipated grant opportunities and apply for available grant opportunities. Before applying for an NYSTAR grant, not-for-profits must register and prequalify in the Grants Gateway. Prequalification is a system that allows organizations to complete many of the administrative tasks that are included in applying for grants prior to the actual grant application process. Prequalification allows for the early identification and correction of any deficiencies or gaps in materials before responding to an RFP. Once organizations are registered in the Grants Gateway, they can begin the prequalification process.

Once prequalified, not-for-profits can store all of their documents and information in a secure data vault. Only the not-for-profit and other state agencies will have access to the information. This will eliminate redundant submission of this data for each New York State (NYS) grant opportunity. All prequalification application information will be maintained in the vault for up to three years.

Registration and prequalification instructions are provided on the following pages. Additional registration and prequalification information, including a video tutorial, is available on the Grants Reform website at <http://grantsreform.ny.gov>.

GRANTS GATEWAY REGISTRATION AND PREQUALIFICATION

All NYS grant applicants must be registered in the NYS Grants Gateway to be eligible to:

- Apply for a NYS grant opportunity.
- Enter into a grant contract, an amendment to an existing contract or a letter of agreement.
- Apply for future grant payments.

In addition to registering, not-for-profit organizations must also complete the Vendor Prequalification process in the Grants Gateway to be considered eligible to apply for this grant opportunity. Government entities and public authorities are currently not required to complete the Vendor Prequalification process.

GRANTS GATEWAY REGISTRATION INSTRUCTIONS

Registration is NOT an online process. Register now to allow time for processing.

1. On the Grants Reform website at <http://grantsreform.ny.gov>, download a copy of the Registration Form for Administrator.
2. Complete the form according to the instructions provided. You must sign and notarize the completed form.

3. Mail the signed and notarized original form to:
NYS Grants Reform
99 Washington Avenue
Room 1530
Albany, NY 12210-2814
4. After the form is received and reviewed, you will be provided with a username and password allowing you to access the Grants Gateway.
5. Log in to the Grants Gateway at <https://grantsgateway.ny.gov>. You will be prompted to change your password at the bottom of your profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page. If you have previously registered and do not know your username, please email grantsgateway@its.ny.gov. If you do not know your password, please click the *forgot password* link from the main login page and follow the prompts.

CREATING ROLES IN THE GRANTS GATEWAY SYSTEM

Once your organization is registered and prequalified in the Grants Gateway, the user with the delegated administrator role must create additional roles to initiate, complete and submit the application in the Grants Gateway. Refer to Section 4.2 of the “Grantee User Guide” located on the Grants Reform website at <http://grantsreform.ny.gov> for instructions on creating user roles in the Grants Gateway system. This step MUST be completed to submit an application in the Grants Gateway.

NOT-FOR-PROFIT PREQUALIFICATION INSTRUCTIONS

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reforms to the grant application and contract processes. These initiatives require not-for-profit organizations to complete the vendor prequalification process to be considered eligible to apply for a grant. Below is a summary of the steps to complete the prequalification requirements. The Vendor Prequalification Manual on the Grants Reform website at <https://grantsgateway.ny.gov> provides additional information and instruction.

1.) **Complete** your Prequalification Application.

- Log in to Grants Gateway at <https://grantsgateway.ny.gov>. If this is your first time logging in, you will be prompted to change your password at the bottom of your profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.
- Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the *Required Forms* and upload the *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposals.

- Specific questions about the prequalification process should be referred to your agency representative or to the Grants Reform team at grantsgateway@its.ny.gov.

2.) **Submit** your Prequalification Application.

- After completing your Prequalification Application, click the *Submit Document Vault* button located below the Required Documents section to submit your Prequalification Application for State agency review. Once submitted, the status of the Document Vault will change to *In Review*.
- If your Prequalification reviewer has questions or requests changes, you will receive an email notification from the Gateway system.
- Once your Prequalification Application has been approved, you will receive a Gateway notification that you are now prequalified to do business with New York State

D. Eligibility and Program Requirements

For purposes of this RFP:

Any accredited law schools located within New York State may apply for this opportunity.

E. Matching Funds Requirements

The award recipient must meet matching funds requirements to be eligible for reimbursement. To receive the full annual allocation, expenses submitted must demonstrate adequate match and be approved by NYSTAR. Based on the sources of funding for this program a 1:1 match will be required (i.e., for each dollar of State assistance, the Applicant is required to demonstrate one dollar (\$1.00) of matching funds. Further details of match are listed below.

1. Categories of Acceptable Match

Applicant Institutions are required to match NYSTAR funding with:

- a. Applicant Institution cash: Cash provided by the Applicant Institution to support the Center; or
- b. Applicant Institution in-kind: (1) Salaries and fringe benefits paid by the Applicant Institution for the portion of time applicant personnel conduct Center work; (2) fair market value of new or pre-owned equipment and supplies donated to the Center for unrestricted use (Note: For equipment, title must transfer to the Applicant Institution; and, the value of said equipment is established by the chief financial officer (or equivalent) of the donating entity); or
- c. Federal funds; and/or
- d. Private foundation grants to the Law Center.

Items eligible to be approved as matching funds must be directly related to the purpose of the proposed Law Center activities, such as:

- Compensation for the Law Center's staff (limited to the portion of staff salaries attributed to work at the Law Center);
- Costs of holding conferences and/or seminars on a broad-based legal topic that supports the goals and objective of the Law Center for disseminating information;

- Web site or Web page development and maintenance;
- Printing costs (if any) for informational/educational brochures; and
- Travel that is appropriate and directly advances the goals and objectives of the Law Center.

2. General Match Requirements and Limitations

- a. NYSTAR reserves the right to make determinations concerning the extent to which funds, goods and services qualify as matching funds. All proposed matching funds must be approved by NYSTAR before it is credited. The award recipient is required to document and maintain detailed records for any financial and in-kind match, in accordance with Generally Accepted Accounting Principles.
- b. No other New York State government funds are eligible to be used as matching funds; however, individual campuses within the State University of New York and the City University of New York systems may use operating funds as matching funds.
- c. No funds that are matching funds on other New York State programs may be used.
- d. Cash qualifies as match only when it is expended for activities under this program.
- e. Matching funds contributions must be provided for, and traceable to, allowable items and activities as defined in Section I.E.
- f. Matching Funds Indirect Costs are limited to 15 percent of direct personnel costs (total salaries plus fringe benefits).

F. Use of Funds

1. General Provisions

The best available price for the type and quality of products or services required must be sought for any NYSTAR-funded expenditure. The Applicant must retain documentation to support the solicitation process and/or choice of vendor for NYSTAR expenses at an established threshold. **Applicants procuring services must follow New York State's Competitive Bid Requirements.** In pursuit of the specific goals and objectives of the New York State Science and Technology Law Center Program, allowable uses of NYSTAR funds include:

- Compensation for the Director of the Law Center, (limited to the portion of his or her salary directly attributed to his or her work as the Director of the Law Center);
- Employment of faculty, law students, and support staff (limited to the portion of staff salaries directly attributed to work at the Law Center);
- Subcontracts with other law schools located in New York State to advance the goals of the Center with NYSTAR's prior approval;
- Purchase of supplies (limited to 5 percent of total budget in any twelve-month period);
- Purchase of equipment and/or fixtures;
- Travel that is appropriate and directly advances the goals and objectives of the New York State Science and Technology Law Center Program; and
- Other purposes explicitly approved by NYSTAR prior to being commenced.

2. Prohibited Uses of NYSTAR Funds

- NYSTAR funds may not be used for the following; Rent, capital construction, telecommunications or utility costs. •
- Aside from providing for general allowable operating needs of the Law Center such as equipment and supply purchases, travel, etc., NYSTAR funds cannot be provided to any for-profit organization

G. Activities to be Supported With NYSTAR Funds

The Law Center will perform legal research; conduct outreach, provide legal information, and provide technical assistance to Centers; and other entities (Section I.A); and conduct any other activities designed to achieve the goals set forth above. Required activities of the Law Center include, but are not limited to:

- Conducting meetings within the State's economic development regions over the Law Center's five-year designation period. Meetings can be held by; or in partnership, with another Center.
- Producing and distributing a monthly electronic newsletter on relevant legal and economic development issues to update Centers; interested commercialization or technology transfer staff, and/or other interested parties. Information to be reported in the newsletter includes, but is not limited to, new State and Federal tax incentives applicable to high-technology companies (in consultation with the New York State Department of Taxation and Finance and appropriate Federal agencies); sources of assistance to new and/or expanding high-technology businesses (in consultation with the New York State Empire State Development Corporation, the Federal Small Business Administration, etc.); relevant court decisions concerning technology-based legal issues such as intellectual property protection; any new State or Federal laws that may impact technology transfer or research; ethical issues confronting high technology research areas such as information technology, telecommunications, life sciences, agricultural sciences, nanotechnology, semiconductors, microelectronics, photonics, imaging science, and energy systems;
- Establishing and maintaining a Web site or Web page where Centers can access information on relevant issues including, but not limited to:
 - How to conduct a patent search;
 - State and Federal tax incentives available to high-technology companies;
 - Legal and ethical ramifications of certain types of research (e.g., biotech);
 - Sources of assistance for new and/or expanding high-technology businesses; and
 - Recent court decisions concerning relevant issues, such as intellectual property protection.

The Web site or Web page must also contain such general information as:

- An archive of the monthly newsletter;
- Links to relevant articles concerning pertinent legal issues;
- Informational and educational materials that will provide guidance on legal issues pertinent to start-up and early stage high-technology companies; and,
- Links to NYSTAR; the Empire State Development Corporation; the New York State Department of Taxation and Finance; New York Small Business Development Centers; the New York Business Development Corporation (NYBDC); the New York State Bar Association; the Federal Small Business

Administration; the United States Patent and Trademark Office; the United States Copyright Office; the National Science Foundation (NSF), National Institutes of Health (NIH), National Aeronautics and Space Administration (NASA), and other federal grant-awarding agencies; and other sites relevant to high-technology companies.

- Providing assistance to the Centers in creating and hosting venture capital fairs.
- Entering into a Memorandum of Understanding with each interested Research Center to provide legal information consistent with the goals set forth above; and,
- Subcontracting with other law schools located in the State that have a science and technology program to develop information important to higher education research institutions, start-up and early stage high-technology companies and/or providing presentations concerning appropriate topics.

H. Reporting and Monitoring Requirements

The award recipient is expected to:

- Submit semi-annual progress and financial reports to NYSTAR using specific reporting guidelines and forms.
- Maintain an accounting system in accordance with generally accepted accounting principles (GAAP) that identifies all expenditures and revenues for activities supported by NYSTAR and matching funds. All expenses must be auditable to their original source, and supporting documentation in conformance with GAAP must be maintained by the award recipient.

I. Sample Contract

A sample contract can be found at the [Grants Reform Webpage](http://www.grantsreform.ny.gov/) (<http://www.grantsreform.ny.gov/>). Terms and conditions of an executed contract may vary.

II. Submission Information

A. Timetable

2017 Competition TIMETABLE	
Science and Technology RFP released	October 20, 2017
Written questions on proposals accepted through	November 3, 2017
Proposals due by 2 pm to NYSTAR	December 8, 2017
Anticipated Contract Start Date	April 1, 2018

B. Questions on the RFP

All questions must be submitted in writing via email to rpfag@esd.ny.gov with “**Science and Technology Law Center Program**” in the subject line. **Please do not contact NYSTAR by telephone.** Questions must be received by NYSTAR no later than **November 3, 2017, 5:00 p.m.** All inquiries must cite the particular RFP section in question. All questions and answers will be uploaded in the Grants Gateway for all applicants to view.

C. Submission Instructions

Grant applications must be electronically submitted in the NYS Grants Gateway no later than **2:00 p.m. U.S. Eastern Standard Time, on December 8, 2017**. The Grants Gateway will not allow an application to be submitted after the 2:00 p.m. deadline. Applicants will be unable to make changes to a submitted application after the deadline has passed. Applicants are encouraged to finish the online application at least one week prior to the deadline, allowing time to double check that all mandatory documents have been completed and to address any technical errors. Additionally, once the application is complete, applicants are **strongly encouraged** to submit their application at least **48 hours prior to the deadline**. This will allow sufficient opportunity for the applicant to obtain assistance and take corrective action should there be a technical issue with the submission process. Both NYSTAR and Grants Reform staff are available to answer applicant’s technical questions and provide technical assistance prior to the application due date and time. Paper applications are no longer accepted by NYSTAR.

NOTE: Although NYSTAR and the Grants Reform staff will do their best to address concerns that are identified less than 48 hours prior to the due date and time, there is no guarantee that they will be resolved in time for the application to be submitted and considered for funding.

To apply for this opportunity:

1. Log into the Grants Gateway as either a “Grantee” or “Grantee Contract Signatory.”
2. Click on the “View Opportunities” button under “View Available Opportunities.”
3. In the Search Criteria, enter the Grant Opportunity name “Centers for Advanced Technology” and select the Department of Economic Development as the funding agency.
4. Click on “Search” button to initiate the search.
5. Click on the name of the grant opportunity from the search results grid and then select

the “APPLY FOR GRANT OPPORTUNITY” button located bottom left of the main page of the grant opportunity.

The Grants Gateway will always notify applicants of successful submission. If a prospective grantee does not receive a successful submission message assigning their application a unique ID number, it has not successfully submitted an application. During the application process, please pay particular attention to the following:

- Not-for-profit applicants must be prequalified by the due date for this application submission. Be sure to maintain prequalification status between funding opportunities. Three of a not-for-profit’s essential financial documents—the IRS990, Financial Statement, and Charities Bureau filing—expire on an annual basis. If these documents are allowed to expire, the not-for-profit’s prequalification status expires as well, and it will not be eligible for State grant funding until its documentation is updated and approved, and prequalified status is reinstated.
- Only individuals with the roles “Grantee Contract Signatory” or “Grantee System Administrator” can submit an application.
- Prior to submission, the system will automatically initiate a global error checking process to protect against incomplete applications. Be sure to allow time after pressing the submit button to clean up any global errors that may arise. You can also run the global error check at any time in the application process. (See p.66 of the Grantee User Guide.)
- Grantees should use numbers, letters and underscores when naming their uploaded files. There cannot be any special characters in the uploaded file name. Also be aware of the restriction on file size (10 MB) when uploading documents.

The following table provides a snapshot of which roles are allowed to initiate, complete and submit the grant application(s) in the Grants Gateway.

Role	Create and Maintain User Roles	Initiate Application	Complete Application	Submit Application	Only View the Application
Delegated Admin	X				
Grantee		X	X		
Grantee Contract Signatory		X	X	X	
Grantee Payment Signatory		X	X		
Grantee System Administrator		X	X	X	
Grantee View Only					X

D. Proprietary Information

Some information contained in a proposal may be considered sensitive and the applicant institution may wish it not to be disclosed if possible. If this is the case, the applicant institution must identify the information it wishes to protect and request that it be protected.

NYSTAR will take efforts to safeguard proprietary, confidential and sensitive information as

allowed under the law, including the Freedom of Information Law (FOIL) (see Article 6 of the Public Officers Law). However, all information will be made available to those who are conducting the review of the proposals.

To request confidential treatment of any portions of a proposal, an applicant institution must submit a letter with the proposal as Appendix 3 specifically identifying the sensitive information and reasons it should be protected. The applicant institution must identify the information with a CONFIDENTIAL, PROPRIETARY or SENSITIVE stamp in the margin of each paragraph containing proprietary information and check the appropriate box on the cover page. An entire proposal cannot be excepted; only the paragraphs that contain confidential proprietary information.

III. Proposal Components

Applicants must ensure that proposals have been thoroughly reviewed for clarity and professional presentation.

A. Proposal Cover Forms

Complete the Proposal Cover Page, Checklist, and Certification.

B. Table of Contents

Include a table of contents delineating major headings, sub-headings, and required appendices.

C. Glossary of Terms Used

Include an alphabetized glossary of acronyms and technical terms used in the proposal and a brief definition of each.

D. Executive Summary (limited to one page)

Include an Executive Summary that sets forth a self-contained description of the activities and benefits that would result if the Proposal were funded. ***The Executive Summary must not contain any proprietary information and must be suitable for publication.***

E. Proposal Narrative (limited to 15 pages excluding required forms and appendices)

Address the specific review criteria presented in Section IV.A.; and elaborated on below. All visual materials (such as charts, graphs, maps, photographs, and other pictorial presentations),

footnotes, endnotes, and citations must be included within the 15-page proposal narrative. Follow the outline presented below:

1. Law Center Organization

- a. Describe the management structure and plan for coordinating efforts with NYSTAR to best assist New York State in leveraging resources of the proposed Law Center.
- b. Highlight the quality and relevant experience of the proposed Law Center's leadership, management team and staff individuals have to carry out the activities and achieve the goals and objectives stated in this RFP; including but not limited to any relevant experience provided for similar services. The organizational structure of the proposed Law Center, demonstrated by addressing the criteria delineated below.
 - i. Identify the leadership team by name and title and describe each individual's proposed responsibilities. Provide evidence that each individual has the commitment, experience, and skills to succeed. Include an organizational chart of the proposed Law Center.
 - ii. Explain how the proposed Law Center's director and management team will increase the likelihood of fulfilling the mission of the Law Center as presented in the RFP. Identify and provide a Curriculum Vitae (CV) for the director and brief biographical sketches of other individuals who will direct the research, outreach, and legal information functions of the proposed Law Center in Appendix 4 to the Proposal. If the Center director and staff positions are vacant, present detailed job descriptions including qualifications and experiences for each position as Appendix 4 to the Proposal.
- c. The extent to which the leadership of the applicant is committed to supporting the activities and growth of the proposed Law Center as demonstrated by its contribution of matching funds and other resources.

1. Applicant Institutions Experience

- a. Describe the range of legal issues for which the Applicant Institution has provided assistance and/or information to academic institutions, small and start-up high-technology companies, and/or other organizations within the five years immediately preceding the Proposal submission.
 - i. Describe the Applicant Institution's experience in conducting research and providing legal information and/or consultation to academic institutions, small start-up high-technology companies, and/or other organizations.
- b. Describe organizations to which such assistance and/or information has been provided.
 - i. Provide a list of academic institutions, start-up and early stage high-technology companies, and other organizations for which the Applicant Institution has provided assistance throughout its existence or during the past three years, whichever is less.

- ii. Identify the organization, the type of assistance provided, the legal issues addressed, and the outcome produced by the assistance provided.
 - iii. Include up to five reference letters from leaders of organizations that attended presentations/meetings. Each letter must contain details and specifics and described what was gained by attending the presentation/meeting and be included as **Appendix 5** to the Proposal.
 - iv. Include three references from the identified client organizations that may be contacted by NYSTAR during the review process and did not submit a reference letter. Include a contact person, phone number, and E-mail address and include as **Appendix 6** to the Proposal.
- c. Discuss Applicant Institution's coordination with existing programs and centers, if applicable, within the Applicant Institution. Discuss any other existing centers or programs within the Applicant Institution with which the proposed Law Center may be collaborating.
 - d. Discuss the range of issues that have been studied and/or researched by the Applicant Institution; include publication of findings and/or use of findings by other organizations. Describe any studies conducted regarding technology-related issues and list any publications issued by the Applicant Institution as a result of these studies.
 - e. Discuss ability of the Applicant Institution to serve a statewide constituency, demonstrated by existing or proposed collaboration(s) or partnership(s) with other law schools and not-for-profit legal and other organizations located within New York State. Describe any existing or proposed collaborations or partnerships with other law schools and not-for-profit organizations the proposed Law Center may use to establish a statewide presence. Include as **Appendix 7** to the Proposal, a complete list and brief summary of past collaborations or partnerships with other law schools and not-for-profit legal and other organizations located within New York State.

3. Activities, Performance Targets and Milestones

- a. Describe the activities that are proposed and will be supported by the requested NYSTAR funding, required matching funds and other funds by addressing the points below. Include a clear and reasonable activity plan to, at a minimum:
 - Develop and maintain a statewide presence;
 - Establish an electronic monthly newsletter and a Web site or Web page to provide information on relevant legal issues pertaining to high-technology research, commercialization and innovation to Centers and technology transfer or commercialization staff to create and/or enhance economic impact of these Centers;
 - Conduct regional meetings within the ten state economic development regions in the State with assistance from Centers and to identify potential meeting topics;
 - Work with the Centers to create and host venture capital fairs; and
 - Educate entrepreneurs on both current and emerging legal issues and the rights and responsibilities of entrepreneurs.

- b. For each objective described, complete a Proposed Law Center Activity Plan form (provided in Appendix B to this RFP). Include the milestones to be completed, the expected outcome, the time frame in which the activity is to be conducted, the party responsible for overseeing completion of each milestone, and the evaluation/tracking measure. Be sure the form corresponds to the detail described in the Proposal Narrative. Include the Proposed Law Center Activity Plan form(s) as **Appendix 1** to the Proposal.
- c. Describe who will be responsible for and perform the tasks, the expected outcome of each activity, the time frame for completion, and how progress will be monitored. Ensure that the Center Director's CV and a brief biographical sketch of every other responsible party listed in the Proposed Law Center Activity Plan are provided in **Appendix 4** to the Proposal. In the event that the Center director and staff will be hired, provide job descriptions for each position including required qualifications of the job applicant.

4. Use of Funds

- a. Provide a justification for the requested funding. Describe how both the requested NYSTAR funds and matching funds will support the activities described in the applicant's proposal.
- b. Describe the sources of matching funds the applicant intends to use to match its NYSTAR expenditures.

F. Budget

Applicant Institutions must use the budget forms provided in Appendix B to this RFP. **All matching funds for the first year of the contract must be COMMITTED. Anticipated funds can be shown for subsequent years.** All matching funds demonstrated in the Proposal will be in the ensuing contract for the award recipient.

Complete the budget forms (provided in Appendix B to this RFP) using the following directions and submit them with the Proposal as **Appendix 2**. These budget forms include:

- (a) Budget Form One – Use of Funds for the Total Amount Requested;
- (b) Budget Form Two – Use of Funds for Year One;
- (c) Budget Form Three – Contribution of Total Matching Funds; and
- (d) Budget Form Four – Contribution of Matching Funds for Year One.

Forms must be complete and mathematically correct for the Proposal to be accepted. Funding requests must cover the proposed five-year contract period and must relate directly to activities described in the Proposal Narrative and presented in the Proposed Law Center Activity Plan form(s). Only costs directly related to the proposed Law Center's activities will be considered for funding.

G. Appendices to the Proposal

Ensure that the following forms and appendices are complete and accurate and are included with the Proposal being submitted.

Appendix 1	Proposed Law Center Activity Plan Form.
Appendix 2	Budget Forms.
Appendix 3	Proprietary information cover letter and proprietary information if presented as a separate appendix.
Appendix 4	Curriculum Vita of the Center Director and brief biographical sketches of all other individuals who will direct the research, outreach, and legal information activities as named in Section III.E.1.
Appendix 5	Reference Letters.
Appendix 6	References (cannot be the same people who provide reference letters).
Appendix 7	List of collaborations and partnerships.

No sections, appendices, and/or supporting information to the Proposal beyond those items required by NYSTAR in this RFP will be accepted or reviewed.

IV. Review Criteria and Process

For the review of eligible proposals, NYSTAR has established the following criteria to be applied in accordance with the review process set forth in Section IV.B. In addition to addressing the review criteria stated below, refer to the proposal instructions in Section III of this RFP for specific items that must also be addressed.

A. Review Criteria

1. Law Center Organization (15 Points)

- a. The consistency of the goals and objectives of the proposed Law Center with those articulated in this RFP. (7 Points)
- b. The degree to which the proposed Law Center's leadership, management team, and staff have the experience and expertise necessary to carry out the activities and achieve the goals and objectives stated in this RFP. (8 Points)

2. Applicant Institution's Experience (35 Points)

- a. The range of legal issues for which the Applicant Institution has provided assistance and/or information. (10 Points)
- b. The range of organizations to which the Applicant Institutions has provided assistance and/or information. (6 Points)
- c. The Applicant Institution's ability to coordinate with Centers of Advanced Technology, Centers of Excellence, MEP Centers, and other NYSTAR contractors and partners. (5 Points)
- d. The range of legal issues that have been studied and/or researched by the Applicant Institution. (9 Points)
- e. Ability of the Applicant Institution to serve a statewide constituency. (5 Points)

3. Activities, Performance Targets and Milestones (40 Points)

- a. Portrayed clarity and reasonableness of the proposed Law Center activity plan proposed by the Applicant Institution. (25 Points)
- b. Evidence of clear and concise performance targets for Law Center activity plan proposed by the Applicant Institution. (8 Points)
- c. Capability of assigned Law Center staff and administration in achieving Law Center activity plan. (7 Points)

4. Use of Funds (10 Points)

- a. Quality of Applicant Institution's justification/rationale for the funding. (8 Points)
- b. Quality of Applicant Institution's Matching Fund expenditure plan. (2 Points)

B. Review Process

Reviewers may include NYSTAR staff, staff from federal or other State agencies, and individuals selected from the science, business, and academic communities. The reviewers will adhere to the process described in this section and will apply the review criteria detailed above. NYSTAR may limit the number of proposals a reviewer is required to evaluate.

Scoring: Reviewers will independently evaluate and assign a preliminary score to proposals that have been accepted by NYSTAR. The *preliminary scores* for a proposal will be combined to provide an *initial average score* for that proposal.

After the initial average scores are provided to the group, reviewers will convene as a group to review the preliminary scores and discuss the proposals in accordance with the review criteria. At the conclusion of the discussions, each reviewer will individually provide *final scores* for each proposal based upon the panel's discussions.

NYSTAR reserves the right to reject any and all proposals. NYSTAR may recall this RFP at any time prior to award announcement and may also reject proposals for deficiencies; waive technicalities, irregularities, and omissions; or solicit new proposals. NYSTAR reserves the right to act in accordance with the best interests of the people of New York in its interpretation of this RFP.

Applicants and/or their surrogates are prohibited from contacting any NYSTAR staff to advocate on behalf of a Proposal submitted in response to this RFP. Violation of this restriction will disqualify an Applicant's Proposal from the competition.

C. Protests and Appeals

1. Protests

Any interested party may file a protest with the director of NYSTAR within fifteen business days from the date of the notice of the contract award, except:

- where a protest concerns the terms and conditions of the solicitation (or other matters that would be apparent to an interested party prior to the date set in the solicitation for the receipt of bids), in which case that protest must be filed on or before the date set in the solicitation for the receipt of bids or proposals; or
 - where NYSTAR determines that sufficient circumstances exist and has set forth a different time period for filing protests.
- a) The director of NYSTAR shall refer any protest either to an individual employee or group of employees of NYSTAR. No such employee will have been actively involved in the procurement process being protested. NYSTAR will provide a copy of any protest filed to the successful bidder.
 - b) NYSTAR may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest raises only issues of law that have already been decided.
 - c) NYSTAR shall issue a determination within ten (10) business days of the filing of the protest. The answer to the protest should address all the factual and legal allegations contained in the protest. A copy of the answer shall be simultaneously delivered to the protester and the successful bidder.
 - d) During the time period in which a protest may be filed, or during the resolution of a pending protest, NYSTAR may negotiate terms and conditions of the contract or grant award with the successful bidder. However, a contract or grant award will not be approved by NYSTAR

prior to the expiration of the time period for filing a protest, or, if a protest has been filed, before NYSTAR issues a determination of the protest.

- e) The person or persons designated by NYSTAR to consider the protest shall prepare a written recommendation addressing all of the issues that have been raised by the protest.
- f) NYSTAR may accept, modify or reject such recommendation.
- g) In making his or her determination with regard to the protest, the NYSTAR designee may, in his or her sole discretion, consider any additional information from any source relating to the allegations set forth in the protest.
- h) All parties that have participated in the protest, as well as the original successful bidder, shall be provided with a copy of the final determination of NYSTAR. The determination shall be made part of the procurement or grant award record.

2. **Appeals**

All parties receiving a copy of the NYSTAR final determination will also receive a copy of the current "[Contract Award Protest Procedure For Contract Awards Subject To The Comptroller's Approval](#)." This document explains the time periods and procedure for filing a protest with the Office of the State Comptroller.

An interested party has ten (10) business days from the date it receives NYSTAR's determination to file an appeal with the Bureau of Contracts in the Office of the State Comptroller.

V. Appendices to this RFP

Appendix A – Glossary of Terms Used

Appendix B – Required Forms

APPENDIX A: Glossary of Terms Used in the RFP

The following definitions apply to the terms used in this RFP. Terms defined herein are capitalized throughout the text of the RFP. Terms used within a definition that are also defined in this Appendix are noted in italics.

Applicant: An eligible entity requesting funding under this RFP.

Center for Advanced Technology or CAT: A university-based applied research center designated by NYSTAR as a Center for Advanced Technology in accordance with Public Authorities Law §3102-b and Section 5904 of Title 21 of the Official Compilation of Codes, Rules and Regulations of the State of New York .

Center of Excellence or COEs: NYSTAR funded Centers of Excellence.

Committed Matching Funds: Funds associated with a specific project that has been accepted by the *Matching Funds* sponsor and in which the amount of *Matching Funds* support and *CAT* deliverables are defined.

Indirect Cost(s) or Indirect Cost Rate: Defined by Federal OMB Circular A-87 as the rate used for allocating those common costs that cannot be specifically allocated to a particular project or activity. A cost may not be allocated as an Indirect Cost if any other cost incurred for the same purpose in like circumstances has been assigned as a direct cost. As indicated in Section I.E. of this RFP, the maximum indirect cost chargeable to NYSTAR funds or recognized as Matching Funds under the CAT Program is 15 percent.

Matching Funds: A non-reimbursable component of a project's total cost that is reflective of the *Applicant's* and industry's commitment to the CAT. Refer to Section I.D. of this RFP for specific Matching Funds requirements.

New York State Company or New York Company: A for-profit enterprise with a permanent place of business located in New York State employing a full-time workforce. The company's New York facility must either be (1) the intended recipient of the Centers assistance or (2) directly benefit from the Centers assistance. The Centers assistance must also demonstrably enhance the company's economic activity in New York.

Partners or Partner Organizations: Those organizations that will assist the *Applicant* in achieving its mission. Subject to the limitations of the RFP, Partner Organizations may include, but are not limited to, Regional Manufacturing Extension Partnership Centers, Centers of Excellence, Centers for Advanced Technology, and other not-for-profit organizations and programs.

Proposal: A response to this Request for Proposals submitted by an *Applicant*.

Regional Manufacturing Extension Partnership Center (MEP Center): One of eleven organizations designated pursuant to the 2015 RFP to serve as the MEP Center in the region in which it submitted a proposal for designation.

APPENDIX B: Forms (Proposal Cover Page – Checklist-Certification; Budget; etc.)

- Request for Proposals Response Form (PDF for Reference Only (Must use/provide MS-based))
- RFP Proposal Coversheet and Checklist (PDF for Reference Only (Must use/provide MS-based))
- Law Center Activity Plan (PDF for Reference Only (Must use/provide MS-based))
- Proposal Budget Forms (PDF for Reference Only (Must use/provide EXCEL-based))
- Law Center References (PDF for Reference Only (Must use/provide MS-based))
- Law Center Collaborations and Partnerships (PDF for Reference Only (Must use/provide MS-based))

Request For Proposals (“RFP”) Response Form

RFP Number 17-6125

Please review this RFP. Complete the following information and mail this form, together with your entire proposal (if any), to the address at the bottom of this page. Late proposals will not be accepted.

/ / Attached is our proposal

/ / We do not intend to submit a proposal for the following reason(s):

Name of Organization: _____

Address: _____

Is this address your company’s *principal place of business*? Yes___ No___

The term “*principal place of business*” is defined as follows:

A company’s principal place of business is generally considered to be the enterprise’s main office, where the regular meeting place of its board of directors occurs, and where a company’s business is managed, conducted and directed, regardless of where the administrative departments or the physical property of the business are located. For purposes of determining the principal place of business, a foreign business enterprise’s principal place of business is not necessarily the same as its state of incorporation. In sum, the determinant is where the actual “business” of the company takes place.

If the above address is not your principal place of business, please indicate the full address of your principal place of business on the following two lines:

Will this product or service be substantially produced in the State of New York (“NYS” or “State”):
Yes___ No___

Subject to the “Conditions Governing Proposals” section stated in this RFP, proposals must be in agreement with all terms and conditions of this RFP.

Phone #: _____ **Fax #:** _____

Signature: _____ **Date:** _____

Type or Print Name and Title: _____

Attach this as the first page of your proposal. If not submitting a proposal, please mail this form to:
MWBEDisparity@esd.ny.gov.

Proposal Cover Page for ESD's New York State Science and Technology Law Center Program	
Applicant Institution:	
Key Contact Person / Project Officer: Name Title Address (include street, city, state, zip code) County Telephone Fax E-mail Address	

“I hereby certify that the information provided in this Proposal is accurate and no misrepresentations have been made in any part of this submission and, furthermore, that the institution intends to meet commitments made in this Proposal if an award is received.”

Signature of President of Applicant Institution

Date

Typed name of President of Applicant Institution

Proposal Checklist

Each of the following items is required. Failure to include any of these items, in accordance with the guidelines provided in the Request for Proposals (RFP), will result in the applicant institution's Proposal being rejected without review. A check indicates that the authorized individual(s) has(have) reviewed the specific section of the RFP and determined that the required item(s) is(are) included in both the original Proposal and in each copy.

- The Proposal is in compliance with the specific matching funds requirements including allowable thresholds prescribed in the RFP, and 100 percent of required matching funds for year one is committed as required by the RFP.
- Requested NYSTAR funds have been budgeted only for the allowable uses identified in the RFP.
- Up to \$343,000 of NYSTAR funds have been requested for year one. Applicant understands that actual funds awarded may differ from the requested amount based on the availability of State funds.
- The Proposal Narrative does not exceed 15 pages. The Proposal is formatted according to instructions of the RFP.
- A completed and signed Proposal Cover Page is included.
- The Certification that follows this checklist has been signed by the President of the applicant institution.
- A Table of Contents prepared in accordance with the RFP is included.
- An alphabetized Glossary of Terms Used with a brief definition of each item including **all** acronyms follows the Table of Contents within the Proposal.
- An Executive Summary prepared in layman's terms in accordance with the RFP is included and does not exceed one page.
- A Proposal Narrative is included that addresses each of the specific review criteria delineated in the RFP and the Proposal Narrative follows the sequence as stipulated in the RFP.
- A Proposed Law Center Activity Plan form describing each objective is presented as **Appendix 1** to the Proposal in accordance with the RFP.
- Complete, mathematically accurate Budget Forms in accordance with the RFP are included in **Appendix 2** to the Proposal.

- All proprietary information included in this Proposal has been identified as such in accordance with the RFP, and a cover letter and the proprietary information if included as a separate appendix in accordance with the prescribed requirements of the RFP are included as **Appendix 3** to the Proposal.
- The Center Director's Curriculum Vita and brief biographical sketches of all other identified individuals are included in **Appendix 4** to the Proposal.
- Up to five reference letters from leaders of organizations that attended presentations/meetings. Each letter must contain details and specifics and described what was gained by attending the presentation/meeting and be included as **Appendix 5** to the Proposal.
- Three references from client organizations that may be contacted by NYSTAR during the review process (and did not submit a reference letter) are included as **Appendix 6** to the Proposal.
- Any existing or proposed collaborations or partnerships with other law schools and not-for-profit organizations the proposed Law Center may use to establish a statewide presence are included in **Appendix 7** to the Proposal.

Certification:

“I certify that each of the required sections and templates included above are in the original the Proposal submitted. I understand that failure to include any of these required items or failure to follow the format or use the templates provided in the RFP will result in this Proposal being rejected without review or consideration for funding. I certify that the Science and Technology Law Center ‘Frequently Asked Questions’ page of the NYSTAR Web site has been consistently checked, and this Proposal is in compliance with any pertinent information posted on that Web page. I certify that no funds used as matching funds in other New York State programs are being used as match in this Proposal and that the matching funds for year one are committed and drawn from non-New York State government funds.

I certify that the information provided in this Proposal is accurate and that no misrepresentations have been made in any part of this submission. I further certify that any internal policies of the applicant institution including, but not limited to, those related to issues of collaboration with not-for-profit organizations, confidentiality, and intellectual property matters are consistent with the goals of the New York State Science and Technology Law Center Program as outlined in the RFP and will not impede the applicant institution’s ability to achieve the objectives included in this Proposal. The applicant institution has the ability to meet and, if designated, intends to provide the financial and/or administrative commitments outlined in the Proposal.”

Signature of the President of the Applicant Institution

Date

Typed name of the President of the Applicant Institution

Proposed Law Center Activity Plan
(Appendix 1 to the Proposal)

Applicant Institution: _____

Statement of Objective: _____

Activities	Expected Outcome	Time Frame	Responsible Party	Evaluation/Tracking Method

Directions for Completing the 2017 Science and Technology Law Center Program Budget

(type in pale yellow highlighted cells only; pale blue cells will be automatically completed)

Budget Form One—Use of Funds: Total Amount of NYSTAR Funding Requested & Matching Funds Demonstrated

1. Complete the Proposal information section at top of Budget Form One. This information will automatically be entered in Forms Two through Four. If an entry does not fit the space allowed, enter as much as possible.
2. Budget Table: List each member of the Applicant Institution's staff, including the individual's title, to be paid in whole or part from the NYSTAR grant and/or Matching Funds. For Research Assistants, Graduate Students, and Undergraduate Students, include only the total number of individuals and the total amount budgeted. No lines may be added to the table; if there are more entries than lines, group other similar items on one line.
3. Indirect Costs: Indirect Costs must be less than or equal to 15 percent of the Total Personnel cost for column (Matching Funds Contribution or Requested NYSTAR Funding).
4. Non-Personnel Costs—Equipment: The total equipment cost calculated on Budget Form Three will be automatically entered on the line under NYSTAR Requested Funding.
5. Totals: The Total Matching Funds Contribution (Total Personnel + Indirect Costs + Total Non-Personnel Costs) must equal the total from Budget Form Four or the Validation line will show "ERROR." To correct the error, changes must be made in either Budget Form One or Budget Form Four.

Budget Form Two—Use of Funds: Year One Amount of NYSTAR Funding Requested & Matching Funds Committed

Follow the directions for Budget Form One, with the following exceptions:

1. The Proposal information section at the top and the Applicant's name in the budget table will be automatically completed.
2. Non-Personal Costs—Equipment: The amounts of Matching Funds Contribution and Requested NYSTAR Funding must both be entered.

Budget Form Three—Contributions of Matching Funds for the Overall Budget

1. Applicant Grants Column: Identify all currently active grants including the total grant amount received by the Applicant, whether being used as Matching Funds for this Proposal or not. If the grant is being used as Matching Funds for this Proposal, enter the amount of the grant to be used for Matching Funds in the Matching Funds column.
2. Period Column: Enter period in terms start month and year – end month and year (6/00 – 8/05).
3. Cash or In-Kind: Enter full text of "Cash" or "In-Kind" or choose from drop-down list.
4. Committed or Anticipated: Matching Funds for the overall budget may be either Committed or Anticipated. Enter full text of "Committed" or "Anticipated" or choose from drop-down list.
5. Total Funds: The Total of the Matching Funds column must equal the total Matching Funds Contribution (Total Personnel + Indirect Costs + Total Non-Personnel Costs) from Budget Form One. If the totals are not equal, Budget Form One will indicate Error in the Validation line. Note that any changes on Budget Form Four may also affect Budget Form One.

Budget Form Four—Contributions of Matching Funds for Year One

Follow the directions for Budget Form Four, with the following exceptions:

1. There is no Applicant Grants column, enter only the Matching Funds contributions.
2. In the Committed or Anticipated column, only Committed will be accepted. Enter the full text of "Committed" or select from drop-down list.
3. Total Funds: The Total of the Amount column must equal the total Matching Funds Contribution (Total Personnel + Indirect Costs + Total Non-Personnel Costs) from Budget Form Two. If the totals are not equal, Budget Form Two will indicate Error in the Validation line. Note that any changes on Budget Form Five may also affect Budget Form Two.

Budget Form One
Use of Funds: Total Amount of ESD Funding Requested & Matching Funds Demonstrated
 (Appendix 2 of Proposal)

Applicant:	
Project Title:	
Applicant Institution:	
Requested ESD Funds / Funding Period:	/
Matching Funds:	

Expenditure Category	Matching Funds Contribution	Requested NYSTAR Funding
Personnel		
Salaries (Name & Title)		
Total Salaries	\$0	\$0
Fringe Benefits		
Total Personnel	\$0	\$0
Indirect Costs (≤15% Direct Personnel)		
Non-Personnel Costs		
Equipment		
Materials & Supplies		
Tuition		
Travel		
Consultant or other contractual		
Other Expenses		
Total Non-Personnel Costs	\$0	\$0
Total	\$0	\$0
Validation	\$0	

Budget Form Two
Use of Funds: Year One Amount of ESD Funding Requested & Matching Funds Committed
 (Appendix 2 of Proposal)

Applicant:	
Project Title:	
Applicant Institution:	
Requested ESD Funds / Funding Period:	\$0 /
Matching Funds:	\$0

Expenditure Category	Matching Funds Contribution	Requested NYSTAR Funding
Personnel		
Salaries (Name & Title)		
	h	
Total Salaries	\$0	\$0
Fringe Benefits		
Total Personnel	\$0	\$0
Indirect Costs (≤15% Direct Personnel)		
Non-Personnel Costs		
Equipment		
Materials & Supplies		
Tuition		
Travel		
Consultant or other contractual		
Other Expenses		
Total Non-Personnel Costs	\$0	\$0
Total	\$0	\$0
Validation	\$0	

Proposed Law Center Reference List
(Appendix 6 to the Proposal)

Applicant Institution: _____

Organization/Client Name	Contact Person	Phone Number	E-Mail Address

Proposed Law Center Collaboration List
(Appendix 7 to the Proposal)

Applicant Institution: _____

Collaborating Organization	Existing or Proposed?	Type of Organization	Details/Purpose of Collaboration	Outcome/Results