



Regional Economic Development Council Workforce Development Strategy Planning REQUEST FOR PROPOSALS

Issued: April 14, 2022

IMPORTANT NOTICE: A restricted period under the Procurement Lobbying Law is currently in effect for this Procurement and it will remain in effect until approval of the Contract. Respondents are prohibited from contact related to this procurement with any New York State employee other than the designated contacts listed below (refer to: Section X – # 2).

Designated Contacts for this Procurement:

Primary Contact: Ralph Volcy
Secondary Contact: John Discolo

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

REDCConsultingServices@esd.ny.gov

This RFP is posted on the Empire State Development website:

<https://esd.ny.gov/doing-business-ny/requests-proposals>

Submission Deadline: May 16, 2022 by 8:00 PM EST

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I. INTRODUCTION

As part of the 2022-2023 State Budget, Governor Kathy Hochul proposed to create a new Office of Workforce Development (“OWD”) to be housed within Empire State Development (“ESD”), marking a decisive change in statewide workforce development policy to one that is more targeted and meets the needs of industry. Utilizing ESD’s relationships with employers in targeted economic sectors identified as ripe for growth, OWD will drive the overall strategy – in collaboration with state agency partners – to create industry-driven training that provides in-demand skills and direct job placement, producing new economic opportunity for un/underemployed and underrepresented workers and supporting the labor needs of the state’s highest-growth sectors.

To help accomplish this vision, ESD will rely on the work of the 10 Regional Economic Development Councils (“REDC” or “Regional Council”), which, through their relationships in each region, will help to identify specific skills and industries to prioritize in each region and appropriate stakeholders to engage in connection with each. The Regional Councils’ local expertise will help ensure each region’s workforce training programs are addressing current and upcoming employer needs.



II. OVERVIEW

To assist with this process, ESD is seeking competitive proposals in order to select up to four (4) firms and/or teams (“Consultants”) on a “best value” basis to provide planning services for the Regional Councils. Each REDC will be assigned a Consultant to work with the REDC and lead industry-specific stakeholder engagement and prepare a workforce development strategy targeting the skills and jobs identified for the region.

Respondents to this RFP (“Respondents”) may submit proposals for a specific region or multiple regions. ESD will give preference to firms/teams who are able to serve more than one REDC but will award contracts for no more than four (4) regions per Consultant.

Each REDC will receive up to \$150,000 to create industry-specific workforce development strategies for industry sectors identified in by the REDC as a priority for addressing the workforce development needs. Each Consultant will work with ESD regional office staff and its Regional Council, along with industry associations, training providers, community-based organizations and wraparound service providers, educational institutions, labor unions, employers, and other relevant stakeholders. Each workforce development strategy will build on data review and a Regional Workforce Inventory, and will address ways to train residents for the most in-demand skill sets needed by employers in the region, train a specific underserved population, and include a plan for providing wraparound services most needed to reach the target populations.

Contracts will be awarded in summer 2022. At that time, Consultants may be awarded contracts for one or more REDCs, dependent upon an assessment of their qualifications and capacity.

Consultant contracts will be executed, held, and managed by ESD.

III. REQUIRED EXPERTISE

ESD invites professional, financially-sound firms or teams to submit proposals. Respondents to this RFP should have a full range of staff, capabilities, and relevant experience in developing strategic plans. The following expertise is of particular value to the project:

- Public engagement and stakeholder/community outreach: Experience leading public meetings and developing and carrying out engagement strategies to reach a broad and inclusive population, including non-English proficient populations, through techniques such as charrettes, surveys, stakeholder interviews, social media, information booths, and storefront information centers.
- Subject matter expertise: Experience developing employee training programs and strategies in response to industry needs and in alignment with a regional economic growth strategy.
- Report writing: Experience writing comprehensive, detailed reports that clearly articulate an overarching narrative while providing the detail necessary for future implementation; and synthesizing and presenting data from multiple sources.
- Management/coordination of subconsultants and subcontractors: Experience managing and coordinating with subconsultants and subcontractors in general planning efforts or in subject-specific areas (e.g. workforce development, social/wraparound services);
- Process management: Experience coordinating complex projects involving multiple disciplines and managing and scheduling work to meet short deadlines.

- Information and economic analysis: Experience conducting applied information management; data collection from various government and other public sources; and conducting economic research (labor costs, employment trends, gross regional product, etc.) and market/industry sector analysis; identifying capital/financing opportunities and sources.
- Policy analysis: Experience analyzing the effects of regulatory programs and requirements.

Respondents may consider establishing a team with other firms or entities to demonstrate subject matter expertise, the ability to leverage a wide range of functional capabilities, formulate scalable solutions, and develop implementation-ready projects. Subconsultant/subcontractor firms may be a part of more than one team but must demonstrate their capacity to support multiple REDCs. Firms collaborating with not-for-profit, educational institutions or other civil society organizations in innovative ways to deliver higher-value results to REDCs are also encouraged, and the demonstration of those capabilities will be part of the evaluation criteria. All decisions by ESD regarding firm capacity are final.

New York State certified Minority- and Women-Owned Businesses (MWBES) and Service Disabled Veteran Owned Businesses (SDVOBs) may request that their firm's contact information be included on a list of MWBE and SDVOB firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on ESD's website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS MWBE or SDVOB certification to REDCConsultingServices@esd.ny.gov. Nothing prohibits a MWBE or SDVOB Vendor from proposing as a prime contractor.

IV. SCOPE OF WORK

ESD will select up to four (4) Consultants to lead the development of industry-specific workforce development strategies for the ten Regional Economic Development Councils.

Consultants will be awarded contracts for up to \$150,000 per REDC. The number of REDCs assigned to a Respondent will depend on qualifications and capacity.

Although the Scope of Services below provides a framework for the tasks required to complete workforce development strategies for regionally identified tradable sectors, the final scope of each strategy will be determined based on each REDC completing review of regional labor force data and determining its regional needs and priorities. Specifically, while the overall scope will remain the same, the number of strategies completed by each region may vary, though each REDC will complete at least one strategy. For example, a REDC may have already done some work in workforce development from which it has a good background and may easily be able to dive into two tradable sectors. Another region may need to do more thorough analysis in one sector that has a number of challenging issues.

Consultants will receive payment based on successfully completing the tasks and deliverables, as set forth below, which will be further developed in the final scope attached to the contract:

A. Coordinated Approach

During the contract period, ESD may convene the Consultants for the REDCs, either in person or on conference calls, to jointly discuss and develop uniform approaches to completing the strategy development.

B. Work Group Coordination

The Consultant will be expected to organize, prepare for, staff, and report on regular REDC work group meetings, which may be in-person or virtual at the discretion of the ESD regional staff and REDC. Meeting frequency will be established by the REDC and the Consultant and will occur over a three-month period. It is anticipated that the REDC work groups will include representatives from several of the following stakeholder groups and organizations specific to the target tradable industry sector being discussed such as:

- Employers from the industry sector;
- Not-for-profits/community-based organizations or social and public services organizations that provide wraparound services and soft skills training for the workforce;
- Workforce occupational skills training providers;
- Educational institutions, particularly higher education, P-TECH, CTE, or other adult learning and working age population educational resources;
- Workforce investment boards;
- Local governments, economic development entities, and departments of social services;
- Labor unions and industry associations; and
- Philanthropic organizations.

C. Tradable Industry Sector Assessment

Prior to beginning work with the Consultant, REDCs will be working with NYS Department of Labor (DOL) to issue an employer survey on workforce needs, as well as reviewing data and industry information to assess regional labor force and employer needs and trends. REDCs will be using the information to identify statewide industries and regional tradable sectors that are the highest priority – shown through indicators such as a high number of unfilled jobs, a recurring trend of in-demand skills across employers, projected job growth in the sector, etc. Then, through engaging with regional employers and local workforce development organizations, each region will be creating a list that identifies and rationalizes the following:

- The priority regional tradable sectors and/or statewide target industries for focusing workforce development efforts in the region (top 2-3 in each category, statewide and regional)
- The most in-demand skill sets needed by employers in the region within these sectors/industries
- The populations for whom workforce training is most needed, and
- The types of wraparound services most needed to reach the target populations and eliminate traditional barriers to successfully completing such training.

While Consultants will not be engaged in this phase, they should be prepared to review the information compiled by the REDC and add any additional economic or labor trends and information that would serve the Council's analysis and justification. That may include

demographic and educational attainment information on the region's working age population, information on existing workforce training and wraparound services providers, wage data for high growth and high skill industries that are in demand, and earnings potential for particular industries.

D. Alignment with Statewide Workforce Development Strategy

Over the next few months, ESD will be working on developing and articulating its statewide strategy for workforce development – including identifying the tradable sectors which ESD is working to promote across the state and attract companies in these areas. These industries are the high growth jobs of the future which will require a highly-skilled workforce. ESD will also develop agency-wide ways to measure success of its workforce development strategy, ensuring all efforts across the state's 10 regions are tracking the same metrics and working towards the same goals.

While the Consultants selected through this RFP will not be part of this work, they will be expected to ensure the work of the REDCs to which they are assigned is aligned with the statewide goals and objectives, sectors, and measures of success to keep all of the agency's workforce development efforts tracking in the same direction.

E. Sector-Based Workforce Development Strategy

The Consultant will lead the REDC in identifying and prioritizing tradable industry sectors to create workforce development strategies that build upon the areas of focus the REDC identified through its survey data and DOL information review. The Consultant will be responsible for establishing the number of sectors for which it can prepare a thorough strategy involving the appropriate stakeholders in the time allotted.

The workforce development strategy for each sector selected will create a roadmap for how to address the workforce issues identified for the tradable sector that will guide the development of comprehensive training programs by regional organizations. Ideally, the strategies will foster projects developed through collaboration, have analyzed sector needs, identify training components that would benefit the industry, and include programming to meet those identified needs.

As a basic premise, the strategy should include a plan to recruit trainees in communities and from populations with higher-than-average unemployment or underemployment, or who currently are employed in low wage, non-career jobs. In addition, the strategy should:

- Be developed in partnership with a business or multiple businesses to maximize industry focused curriculum development and provide direct job placement;
- Include a plan for training populations that are out of the labor force, unemployed, underemployed/working poor, and/or employed workers seeking upskilling, upgrades and/or career advancements;
- Address the need for trainee supports, or activities that would be made available to program participants to reduce barriers to training (i.e. childcare, online programming, public transit passes or other transportation supports, career coaching, soft skills or success skills, free or reduced price programming, etc.);

- Provide opportunities for direct placement into on-the job training, apprenticeships, or direct job opportunities through partnerships with industry;
- Plan for sustainability of the proposed program so as to be able to maintain the program and services; and
- Identify metrics for implementation and for measuring success of the program.

Using these workforce development strategies, organizations in the region will be well-poised to apply for funding through ESD-led workforce development grant programs or other workforce development training funds from NYS agencies to implement this industry-driven and collaborative workforce development strategy.

V. SCHEDULE OF DATES

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

Release of RFP	April 14, 2022
Deadline for Submission of Questions	April 27, 2022
Deadline for ESD to Respond to Questions	May 4, 2022
Submission of Proposals	May 16, 2022
Announcement of Selected Respondents and Assignment to Regions	TBD
ESD Board Approval and Contracting	TBD

Anticipated Project Timeline:

- July 2022: Planning firms begin work with REDCs
- October 2022: Industry Sector workforce development strategies completed

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

VI. REQUIRED PROPOSAL CONTENTS

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

1. Executive Summary, Experience, and Key Personnel

- A. Cover Letter summarizing key points of the proposal and how the individual components will be undertaken in one contract;
- B. Contact information for the team leader on this engagement including the name, address, phone number, and email address;
- C. Staffing proposal including:

- i. Identification of all individuals who will be responsible for leading and staffing each phase of work as part of a description of proposed team structure;
 - ii. Qualifications and experience of each staff member that would be assigned to complete the work under this solicitation
 - iii. Description of how each sub-consultant (if applicable) will work in connection with the broader Consultant team to fulfill the Scope of Services, distinguishing the roles, responsibilities and commitment of each team member;
 - D. Organization chart with names and titles of all team members;
 - E. Resumes for all team members to be assigned to the project.
- 2. Capacity to Perform Services:** The Proposal shall include a statement regarding the ability of the Respondent to support multiple concurrent REDC workforce development strategy efforts (one or more within the prescribed timeframe). If the Respondent claims the ability to support multiple REDCs, the Proposal should include a description of the Respondent's ability to assemble additional teams to sufficiently staff multiple REDC regions and describe how the award of multiple concurrent REDCs with multiple industry sectors would impact other aspects of the Proposal.
- 3. Proposed Technical Approach and Methodology:** The Proposal shall include a description of the Respondent's technical approach accomplishing the key actions and deliverables outlined in the Scope of Services and shall demonstrate the Respondent's understanding of the needs and objectives of the work proposed.
- 4. Cost Proposal:** Respondents shall include a cost proposal based upon the Proposed Technical Approach and Methodology with detailed hourly rates and titles of staff identified. Please note that Selected Respondents will be required to complete all tasks and products to the satisfaction of the State and incur expenses reasonably required to do so. Cost proposals will be reviewed once the Selected Respondents begin work with their assigned REDC(s) and costs may be shifted among the budget categories to reflect the needs of the community. Reimbursement will not exceed the total amount of the contract.
- 5. Respondent Preferences:** A statement of any regional preferences with respect to the REDC(s) that the Respondent would potentially be awarded, including a partial or complete list of any recent and relevant prior projects in the proposed regions.
- 6. Samples of Relevant Experience:** Provide no more than two-page descriptions (each) of up to three precedent projects undertaken by the Respondent that are similar in scope, geography and substance to the Solicitation.
- 7. Procurement Forms and Requirements:** In consideration that this RFP represent a solicitation of firms that were previously determined qualified under ESD's 2021 Request for Qualifications ("RFQ"). Thus, forms previously submitted for that prior solicitation would not need to be resubmitted in responses to this RFP.

Respondents must submit an Office of Contractor and Supplier Diversity (OCSD)-4 - MWBE and SDVOB Utilization Plan form that is tailored specifically for the work effort request in this RFP, noting work under this effort to be provided by certified Minority/Women-owned Business Enterprises and Service Disabled Veteran-Owned Businesses.

ESD reserves the right to ask for additional information from Respondents, including as it relates to the identification of specific REDC regions and the Respondent's qualifications and experience.

ESD anticipates that the substantive portion of the Proposals (excluding resumes, procurement forms, and any samples of relevant experience) should not exceed 10 double-sided pages.

VII. SUBMISSION INSTRUCTIONS

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

Technical Proposal

Below is a listing of the technical information to be provided by the Respondent. No information is required beyond what is specifically requested. The Corporation requests that all Technical Proposals be submitted via the designated email.

- A. Table of Contents
- B. Firm Experience
- C. Firm Qualifications
- D. Technical Approach
- E. Estimated Cost
- F. Diversity Practices

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

- A. Table of Contents

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

- B. Firm Experience

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

- Overall description of the Consultant’s relevant work, including examples of up to three (3) relevant projects that the Consultant has completed.
- Provide references. Include the projects worked on and the names of contact persons who are able to provide references.

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

C. Firm Qualifications

- Each Respondent shall submit materials that highlight its unique strengths, design talents, philosophy, sensitivity to the public realm, approach to creating space, breadth of knowledge and experience, and experience with the cultural and heritage visitor planning and programming.
- A description of the Consultant’s organizational structure noting the principals, project manager(s), and professional staff who would work directly with ESD for the duration of this Project. Include resumes of key people.
- A representation that the Consultant can devote significant and appropriate design staff and support staff to the project for all phases of design and construction.
- Any other information that you believe would make the Consultant’s work on behalf of ESD superior to that of other respondent’s information.

D. Technical Approach

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

- A description of how the Consultant would work with ESD and the various project partners.
- A description of how the Consultant intends to address the scope of work set forth in Section IV of this RFP.
- A description of how the Consultant intends to maintain the fast-track schedule, including specific methods that would be employed.
- A list of subconsultants by respective discipline.
- A description of how the Consultant’s response will promote the participation of Minorities and Women on this project.

E. Estimated Cost

- A proposed fee for all Consultant services delineated by task, as outlined in Section IV Scope of Work. The proposal must include a detailed staffing plan broken down by task.
- The hourly rate of each principal and staff member whose resume is provided or whose job category may be required.

- A list of anticipated reimbursable expenses and the rate charged for each without markup. Please indicate under reimbursables, a detailed list of working models, presentation models, renderings, or other work product to be furnished during each state of services which is not included in basic services covered by the proposed fee schedule and the cost for each.

F. Diversity Practices

Administrative Proposal

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

- i. Conflict of Interest Form, submit with proposal
<https://esd.ny.gov/sites/default/files/Conflict-of-Interest-Attestation-June-2019.pdf>
- ii. State Finance Law §§139-j and 139-k forms, submit with proposal
https://cdn.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.pdf
- iii. Vendor Responsibility Questionnaire, submit with proposal or submit online (and include copy of submitted form with proposal)
https://cdn.esd.ny.gov/CorporateInformation/Data/RFPs/111511_VendorForprofit.pdf
- iv. Iran Divestment Act Statement, submit with proposal
<https://esd.ny.gov/sites/default/files/IranDivestmentActLanguage-corp-info.pdf>
- v. Non-Discrimination and Contractor & Supplier Diversity Requirements, submit with proposal
 - OCSD-1 - MWBE and SDVOB Participation / EEO Policy Statement
<https://esd.ny.gov/sites/default/files/OCSD-1-Policy-Statement.pdf>
 - OCSD-2 - Staffing Plan
<https://esd.ny.gov/sites/default/files/OCSD-2-Staffing-Plan.pdf>
 - OCSD-4 - MWBE and SDVOB Utilization Plan
<https://esd.ny.gov/sites/default/files/OCSD-4%20Utilization%20Plan.pdf>
- vi. Encouraging the Use of NYS Businesses in Contract Performance Form, submit with proposal
<https://cdn.esd.ny.gov/CorporateInformation/Data/ENCOURAGINGUSEOFNEWYORKSTATEBUSINESSESINCONTRACTPERFORMANCE.pdf>

- vii. Certification under State Tax Law Section 5-a 220-CA or Affidavit, submit with proposal <https://esd.ny.gov/sites/default/files/ST220CA.pdf>
- viii. W-9 Form, submit with proposal <https://www.irs.gov/pub/irs-pdf/fw9.pdf>

Additional information about these items, and ESD’s procurement requirements, can be found in Section IX of this RFP (“Procurement Forms and Requirements”).

Submission of a Complete Two-Part Proposal

Firms submitting a proposal are indicating their acceptance of the conditions in this RFP. All Proposals must be received by 8:00 PM EST on Friday, May 6, 2022. Submission of proposals in a manner other than as described in these instructions (e.g., facsimile, hard copies) will not be accepted. When submitting each proposal, Respondents must comply with the following:

1. The Technical Proposal and all related appendices must be submitted electronically before the submission deadline via the designated email REDCCConsultingServices@esd.ny.gov.
2. The Administrative Proposal and all related forms must be submitted electronically before the submission deadline via the designated email REDCCConsultingServices@esd.ny.gov. It is essential that the instructions in Appendix B - Administrative Proposal Check List are followed when submitting the different forms.

Late proposals will not be considered for award.

VIII. SELECTION PROCESS

Respondent proposals will be evaluated on a “best value” basis using the following weighted Selection Criteria:

- **Experience** (20 points): Proposals will be evaluated based on the expertise of team members and demonstrated successful experience in complex community planning activities having objectives and operating conditions like those described in this RFP.
- **Capacity** (20 points): Proposals will be evaluated on the degree to which it is documented that there is qualified staff in sufficient numbers that can be assigned and deployed immediately to the tasks described herein and to bring the project to a timely conclusion.
- **Technical Approach** (30 points): Proposals will be evaluated on the quality and completeness of the proposed approach to accomplishing the tasks and deliverables as described in the Scope of Services in this RFP.

- **Cost Proposal** (20 points): Scored to the degree that the cost structure of the services to be provided by the Respondent are deemed relevant and inclusive of the activities outlined in the Scope of Services, reasonable in relation to industry standards, and are competitive with the costs structures of other respondents.
- **Diversity Practices** (10 points): ESD has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of Respondents is practical, feasible, and appropriate. Accordingly, Respondents shall be required to include as part of their response to this procurement the Diversity Practices Questionnaire (See Appendix B).

Selected Respondents will be offered awards for specific REDCs by ESD based on the information submitted in their Proposal.

ESD reserves the right to remove Respondents from competitive consideration at one or more points throughout the Solicitation process based on these criteria. Some or all Respondents may be asked to modify their Proposals during the solicitation process, if ESD determines that such modifications will result in an improved result. ESD reserves the right to make such requests to all Respondents or to a subset of all Respondents.

ESD also reserves the right to conduct interviews with or pose questions in writing to individual Respondents to clarify the content of their Proposals and to ensure a full and complete understanding of each Proposal. ESD shall undertake to pursue uniformity in the questions it asks to Respondents to the extent practicable, but ESD may ask different or additional questions to different Respondents in the context of any individual interview or in writing.

IX. GENERAL PROVISIONS

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

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

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

All information submitted in response to this RFP is subject to the Freedom of Information Law (FOIL), which generally mandates the disclosure of documents in the possession of ESD upon the request of any person unless the content of the document falls under a specific exemption to disclosure. In addition, Proposals may be discussed at meetings of the ESD Directors, which meetings are subject to the Open Meetings Law.

X. PROCUREMENT FORMS AND REQUIREMENTS

Please be advised that this Solicitation has been issued only to a limited number of firms that pre-qualified under ESD's 2021 RFQ. Any Respondent who submits a Proposal for this Solicitation shall later be bound in contract by the terms as issued in that 2021 RFQ, which may be viewed at: https://esd.ny.gov/sites/default/files/ScheduleA-Services_Materials-3818.pdf.

Respondents for this Solicitation do not need to resubmit all of the supporting documentation which they previously submitted for the RFQ, except if specified as a required component of a proposal in this solicitation's "VI. Required Proposal Contents" section.

Relevant forms, if required as noted in Section VI., must be executed and included in the submission in the same order as listed below:

1. Conflict of Interest Form
2. [State Finance Law §§139-j and 139-k forms](#)
3. [Vendor Responsibility Questionnaire](#)
4. Iran Divestment Act Statement
5. Non-Discrimination and Contractor & Supplier Diversity Requirements
 - a. [OCSD-1 - MWBE and SDVOB Participation / EEO Policy Statement](#)
 - b. [OCSD-2 - Staffing Plan](#)
 - c. [OCSD-4 - MWBE and SDVOB Utilization Plan](#)
6. [Encouraging the Use of NYS Businesses in Contract Performance Form](#)
7. Certification under State Tax Law Section 5-a [220-CA](#) or [Affidavit](#)
8. Schedule A (for review only—no separate form requirement)
9. Project Sunlight (for review only—no separate form requirement)
10. Insurance Requirements
11. EO-177
12. [W-9 Form](#)

1. Conflicts of Interest

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

- A. Gifts and Offers of Employment:** Respondent has not and shall not during this procurement and during the negotiation of any contract resulting from this

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

- B. Disclosure of Potential Conflicts:** Respondent shall disclose any existing or contemplated relationship with any other person or entity, including relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers/employers of the Respondent or former officers and employees of ESD, in connection with your rendering services enumerated in this RFP. If a conflict does or might exist, Respondent must describe how it would eliminate or prevent it.
- C. Disclosure of Ethics Investigations:** Respondent must disclose whether it, or any of its members, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any ongoing investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "Commission"), and if so, a description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

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

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

Respondents must submit the Offeror Disclosure of Prior Non-Responsibility Determinations, and the Offeror's Affirmation of Understanding and Agreement pursuant to State Finance Law as part of their submittal. Copies of these forms are available at:

https://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.pdf.

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

This is not a complete presentation of the provisions of the Procurement Requirements. A copy of State Finance Law Sections 139-j and 139-k can be found at:

http://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/PermissibleContactsPolicy_Jan2007.pdf. All potential Respondents are solely responsible for full compliance with the Procurement Requirements. Both the prime consultant and any sub-consultants complete the forms required above.

3. Vendor Responsibility Questionnaire

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

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

To enroll in and use the Vend-Rep System, see the System Instructions available at 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.

Respondents opting to file a paper questionnaire can obtain the appropriate questionnaire from the Vend-Rep website (http://www.osc.state.ny.us/vendrep/forms_vendor.htm) and execute accordingly pertaining to the company's trade industry. 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)."

In addition, please see link to EO-192: <https://www.governor.ny.gov/news/no-192-executive-order-imposing-continuing-vendor-integrity-requirements-state-contracts>

4. Iran Divestment Act

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

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

The list in question is maintained by the Office of General Services. For further information and to view this list please go to: <https://ogs.ny.gov/system/files/documents/2019/03/listofentities.pdf>

5. Non-Discrimination and Contractor & Supplier Diversity Requirements

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

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations ESD is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of ESD contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, ESD hereby establishes an overall goal of 30 percent for MWBE participation, (based on the current availability of MBEs and WBEs). A contractor ("Contractor") on any contract resulting from this procurement ("Contract") must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance

of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that ESD may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how ESD will evaluate a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal.

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

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

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Office of Contractor and Supplier Diversity ("OCSD") at OCSD@esd.ny.gov.

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

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

ESD will review the submitted MWBE Utilization Plan and advise the respondent of ESD acceptance or issue a notice of deficiency within 30 days of receipt.

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

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

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

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

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

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions [SCHEDULE B - PARTICIPATION BY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES: REQUIREMENTS AND PROCEDURES](#). The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

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

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

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

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of

race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

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

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

Form OCSD-1: <https://esd.ny.gov/sites/default/files/OCSD-1-Policy-Statement.pdf>

Form OCSD-2: <https://esd.ny.gov/sites/default/files/OCSD-2-Staffing-Plan.pdf>

Form OCSD-3:

<https://esd.ny.gov/sites/default/files/OCSD-3-Workforce-Utilization-Report.xlsx>

Form OCSD-4: <https://esd.ny.gov/sites/default/files/OCSD-4-Utilization-Plan.pdf>

Form OCSD-5: <https://esd.ny.gov/sites/default/files/OCSD-5-Waiver-Request-Form.pdf>

Form OCSD-6: <https://esd.ny.gov/sites/default/files/OCSD-6-Compliance-Report.pdf>

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

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

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOB”), thereby further integrating such businesses into New York State’s economy. ESD recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of ESD contracts.

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

Contract Goals

- A. ESD hereby establishes an overall goal of 2% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Bidder/Contractor should reference the directory of New York State Certified SDVOBs found at: <https://online.ogs.ny.gov/SDVOB/search>. Questions regarding compliance with SDVOB participation goals should be directed to the Designated Contacts. Additionally, following Contract execution, Contractor is encouraged to contact the Office of General Services’ Division of Service-Disabled Veterans’ Business Development at 518-

474-2015 or VeteransDevelopment@ogs.ny.gov to discuss additional methods of maximizing participation by SDVOBs on the Contract.

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

SDVOB Utilization Plan

- A. In accordance with 9 NYCRR § 252.2(i), Respondents are required to submit a completed SDVOB Utilization Plan on Form OCSD-4.
- B. The Utilization Plan shall list the SDVOBs that the Bidder intends to use to perform the Contract, a description of the work that the Bidder intends the SDVOB to perform to meet the goals on the Contract, the estimated dollar amounts to be paid to an SDVOB, or, if not known, an estimate of the percentage of Contract work the SDVOB will perform. By signing the Utilization Plan, the Bidder acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOBs after the Contract award and during the term of the Contract must be reported on a revised SDVOB Utilization Plan and submitted to ESD.
- C. ESD will review the submitted SDVOB Utilization Plan and advise the Bidder/Contractor of ESD acceptance or issue a notice of deficiency within 20 days of receipt.
- D. If a notice of deficiency is issued, Bidder/Contractor agrees that it shall respond to the notice of deficiency, within seven business days of receipt, by submitting to ESD a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the Bidder/Contractor and direct the Bidder/Contractor to submit, within five business days of notification by ESD, a request for a partial or total waiver of SDVOB participation goals on OCSD-5. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.
- E. ESD may disqualify a Bidder’s bid or proposal as being non-responsive under the following circumstances:
 - (a) If a Bidder fails to submit an SDVOB Utilization Plan;
 - (b) If a Bidder fails to submit a written remedy to a notice of deficiency;
 - (c) If a Bidder fails to submit a request for waiver; or
 - (d) If ESD determines that the Bidder has failed to document good faith efforts.
- F. If awarded a Contract, Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Contract pursuant to the prescribed SDVOB contract goals set forth above.

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

Request for Waiver

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

B. In accordance with 9 NYCRR § 252.2(m), a Bidder/Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in clause IV below, may submit a request for a partial or total waiver on Form OCSD-5, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by ESD at that time, the provisions of clauses II (C), (D) & (E) will apply. If the documentation included with the Bidder's/Contractor's waiver request is complete, ESD shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.

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

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

Waiver requests should be sent to OCSD.

Required Good Faith Efforts

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

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

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

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

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

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

Monthly SDVOB Contractor Compliance Report

In accordance with 9 NYCRR § 252.2(q), Contractor is required to report Monthly SDVOB Contractor Compliance to ESD during the term of the Contract for the preceding month's activity, documenting progress made towards achieving the Contract SDVOB goals. This information must be submitted using form OCSD-6 available on the ESD website and should be completed by the Contractor and submitted to ESD, by the 10th day of each month during the term of the Contract, for the preceding month's activity to: OCSD@esd.ny.gov.

Breach of Contract and Damages

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

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

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

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Respondents for this ESD contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. In order for ESD to assess the use of New York State businesses in each Proposal, ESD requests that each Respondent complete the Encouraging Use of New York State Businesses in Contract Performance form, accessible here:

<http://esd.ny.gov/CorporateInformation/Data/ENCOURAGINGUSEOFNEWYORKSTATEBUSINESSESINCONTRACTPERFORMANCE.pdf>.

7. Certification under State Tax Law Section 5-a

Any contract resulting from this solicitation is also subject to the requirements of State Tax Law Section 5-a ("STL 5-a"). STL 5-a prohibits ESD from approving any such contract with any entity if that entity or any of its affiliates, subcontractors or affiliates of any subcontractor makes sales within New York State of tangible personal property or taxable services having a value over

\$300,000 and is not registered for sales and compensating use tax purposes. To comply with STL 5-a, all Respondents to this solicitation must include in their Proposals a properly completed Form ST-220-CA (http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf), or an affidavit (http://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/STL_5A_Affidavit.pdf) that the Respondent is not required to be registered with the State Department of Taxation and Finance. Also in accordance with the requirements of STL 5-a, any contract resulting from this solicitation will require periodic updating of the certifications contained in Form ST-220-CA. Solicitation responses that do not include a properly completed ST-220-CA will be considered incomplete and non-responsive and will not be considered for contract award. Only the prime consultant completes Form ST 220-CA, but Schedule A to Form ST 220-CA requires detailed information from the sub-consultants, such as tax ID number, etc., if applicable. Moreover, if applicable, certificates of authority must be attached by the prime consultant and all the sub-consultants.

8. Schedule A

Following final selection of a Respondent, ESD will prepare a contract defining all project terms and conditions and the Respondent's responsibilities in conformance with Schedule A. A sample can be found at: https://esd.ny.gov/sites/default/files/ScheduleA-Services_Materials-3818.pdf

Please note Respondents do not need to complete the entire Schedule A with the submission of their Proposal. However, Respondents should still review these terms, which are standard in all ESD contracts, and raise any concerns present prior to submission of their Proposal, as successful Respondents will need to accept these terms prior to contract execution.

9. Project Sunlight

This procurement is subject to the Public Integrity Reform Act of 2011. Under the Public Integrity Reform Act of 2011, "appearances" (broadly defined and including any substantive interaction that is meant to have an impact on the decision-making process of a state entity) before a public benefit corporation such as ESD by a person (also broadly defined) for the purposes of procuring a state contract (as contemplated in this RFP) must be reported by ESD to a database maintained by the State Office of General Services that is available to members of the public. If in doubt as to the applicability of Project Sunlight, Respondents and their advisors should consult the Laws of 2011, Ch. 399 for guidance.

10. Insurance Requirements

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

- Commercial General Liability of \$1 million per occurrence and \$2 million in the aggregate;

- In the event that you are using a vehicle in business, Commercial Automobile insurance with a limit of not less than \$1 million;
- Must show evidence of Worker's Compensation & Employer's Liability insurance at State statutory limits;
- Must show evidence of Disability insurance coverage at State statutory limits;

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

11. Executive Order 177

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

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

12. W-9 Form

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