NEW YORK STATE
URBAN DEVELOPMENT CORPORATION d/b/a Empire State Development

FULL-SERVICE ADVERTISING, MARKETING, BRANDING, MEDIA AND COMMUNICATIONS AGENCY

for

BUSINESS MARKETING CAMPAIGN

Request for Proposal, Part I

PROPOSAL DUE DATE: September 16, 2011 by 3:00 PM EST
(Late proposals cannot be accepted)

Released August 25, 2011
Table of Contents

PART 1

I. BACKGROUND 2

II. SCOPE OF SERVICES 5

III. SUBMISSION OF PROPOSALS 7

IV. QUALIFICATION REQUIREMENTS 10

V. SELECTION CRITERIA 11

VI. INSURANCE AND OTHER REQUIREMENTS 12

VII. STATE TAX AND FINANCE LAW REQUIREMENTS 13

VIII. RFP REVIEW LIST 15

PART 2

ADDENDUM (attached separately)
I. Background

The revitalization of our state’s economy to create jobs and drive investment is central to Governor Andrew Cuomo’s vision for a New New York.

For too long, New York’s economy lagged behind much of the nation. We have seen significant job losses, particularly in Upstate New York. For years, the State’s efforts to attract and grow new businesses have been unsuccessful, and as a result, New York’s reputation as an attractive environment to do business has suffered greatly.

We can no longer afford to sit idly by as other states lure businesses and jobs away from New York. We must change our approach – and our image – to build a stronger economy and create the jobs New Yorkers need to prosper.

Governor Cuomo is working hard to do just that. Under his leadership, the State’s on-time budget closed a $10 billion deficit with no new taxes or borrowing and signaled a new direction for New York. And this year’s state legislative session successfully implemented major reforms that will help improve the State’s business environment – these include a local property tax cap, the Power NY Act to ensure clean, affordable, and reliable electricity, and a strong new ethics bill to make government more transparent and efficient. The Governor has also introduced Regional Economic Development Councils that will reshape the way the State supports and fosters economic activity, and his economic development programs will provide the resources and support that businesses need to make a commitment to stay in, expand in or re-locate to our state.

But as we change New York’s approach to economic development, we must also reinvent its image as a business-friendly state. To do that, Governor Cuomo is launching a new, coordinated communications and marketing program to demonstrate to business leaders all across the world that New York State is now open for business.

This major effort will focus on recasting New York as the place to be for businesses that are growing and creating new jobs. It will capture the renewed spirit of optimism and resurgence that many New Yorkers already are feeling. It will have the emotional power of a state on the move as well as provide real proof of the changing positive environment and renewed spirit.

This effort will be led by a committee of prominent business leaders from all across the state who have a wide range of business and strategic communications expertise. The Committee will help develop and implement strategies to promote New York State as a great place to live, work and do business. These business leaders will also serve as ambassadors to tell New York’s story.

As a central component of this initiative, the State is recruiting an advertising and marketing firm to create a bold new campaign to promote the advantages of doing business in our state to retain New York businesses so that they might grow here, as well as attract other businesses to New York, from across the country and around the world.

To this end, the governor has directed Empire State Development (ESD), the State’s lead economic development agency, to identify a full-service advertising, marketing, media, branding and communications firm to become a full partner in the development of this new business development campaign.
Ultimately, the Committee hopes the “New York State Open for Business” marketing effort will do for New York’s business image and reputation what the world-renowned “I LOVE NEW YORK” campaign did for travel and tourism – develop a new, very big idea that is both emotionally compelling as well as intellectually persuasive. We are truly looking for another iconic campaign that represents a great product and changes the way people perceive the Empire State.
Solicitation

Empire State Development (ESD) is soliciting proposals from firms specializing in advertising, marketing, media, branding and communications for a business development campaign communicating the theme “New York State Open for Business.” The campaign’s objective is to market New York State as an ideal place for businesses to invest and create jobs.

ESD is seeking a qualified Contractor to provide full-service research, advertising, marketing, media, branding, communications and related services. Services will primarily be required for ESD’s business marketing and state branding campaign, but may also support related projects and initiatives as needed.

Requirements and Qualifications

ESD requires a Contractor with demonstrated experience in the following:
- Working with corporate image marketing, business marketing and business-to-business marketing;
- Evaluating and defining brands;
- Defining, profiling and targeting a brand’s audience;
- Launching effective brand campaigns;
- Optimizing placements among domestic and international media markets, including minority media markets;
- Planning, designing and executing high-impact digital and internet marketing strategies.

Additional Qualifications:
- Ability to support ESD’s public relations efforts;
- Strong media planning and buying capabilities across traditional, digital and new media channels;
- Excellent creative development skills;
- Ability to provide high quality results that are cost-effective;
- Experience and capabilities in media production, including television, digital and other types of media.

ESD is looking for firms who will work as non-exclusive Contractors and with the understanding that ESD’s in-house services may also be used for advertising and promotional efforts. Contractors should commit top-level management and creative talent to ESD’s account and be highly responsive and conscientious.

ESD is particularly interested in Contractors with experience providing turnaround brand and marketing services. Minority- and women-owned businesses are especially encouraged to bid. Note also that a joint venture proposal to perform the functions solicited is acceptable, and W/MBE enterprises may partner with others in substantive ways to submit bids.
The budget for the “New York State Open for Business” campaign is expected to be a minimum of $10 million (inclusive of all costs), not to exceed $50 million if it is deemed necessary to achieve the goals of the effort.

The campaign is expected to span several years. The firm selected will be retained for an initial period not exceeding two years, with the option of two, one-year renewals at the discretion of ESD.
II. SCOPE OF SERVICES

The successful bidder, performing the following services at the rates specified in the Budget submitted as part of the proposal, will:

- Serve as a non-exclusive, full-service advertising, branding, marketing, media and communications agency to promote the “New York State Open for Business” theme, as defined by ESD. The required campaigns may range from local and regional to national and international in scope. The successful contractor will conduct advertising and marketing campaigns that clearly promote New York State’s efforts to support business growth.

- Work in conjunction with ESD and its key partners, including the Governor’s Regional Councils, to develop an overall strategy to improve New York State’s image as a place for conducting business. The ideas produced shall represent an integrated theme so as to maintain continuity. The submitted ideas will be supervised by and supplement the recommendations of ESD’s business marketing staff and advisors.

- Perform research that will identify New York State’s position in the global marketplace for investment, job creation and income generation and compare the State’s position to its international, national and local competitors.

- Analyze all relevant research to recommend the best strategies and media channels, and may conduct additional research, including both qualitative and quantitative studies, in order to suggest refinements to strategies, campaigns or creative executions.

- Perform all necessary services related to the successful development and execution of advertisements, including TV, radio, print, direct mail and digital and internet marketing. ESD is particularly interested in cost-effective media production and buying methods, as well as cost-effective television production methods such as collaboration with its in-house team, using existing footage owned by ESD, shooting in high definition formats or acquiring footage from other sources. The bidder’s proposal must include an explanation of how it will employ state-of-the-art production techniques and cost saving methods.

- Perform media production services including but not limited to: creative concept, graphic design, photography, copywriting, talent/ownership negotiations, pre-press and printing. The successful bidder will perform all aspects of film, video, radio, digital and other new media direction, production and post-production including: creative concept, development, copywriting, casting, talent/ownership negotiations, shooting, editing, dubbing and trafficking.

- The successful bidder will also provide full media planning, buying and creative services related to the production and execution of the most advanced and cutting-edge digital technologies, including but not limited to internet marketing, mobile marketing, social media messaging (e.g., Facebook and Twitter) and other new technologies (e.g., podcasting, web streaming, text messaging, etc.) as agreed upon in consultation with ESD.

- The successful bidder will also be able to provide full marketing and media services as described above, including in-language advertising when appropriate, for minority media markets.
• Perform media-buying services to purchase advertising across all types of media, including but not limited to: pre-buy analysis, media planning, media buying (negotiating best rates and placements), tracking and post-buy analysis. Media targets may include local, state, national and international markets. The successful bidder will provide the television and radio media plans with buy detail including proposed times of placement for specific markets, reach/frequency and CPPs/GRPs. As requested, the successful contractor will provide demographic information, including analysis of market, station, profiles, times, etc. Additionally, the contractor will provide other media information standard to the industry and provide print media plans with buy detail including placement dates, demographic and editorial analysis, circulation/readership figures and proposed added value. ESD would also ask the successful bidder to seek out non-traditional, value-added media opportunities such as promotions, giveaways and editorial opportunities, as well as duplicating, trafficking and tracking media.

• Develop an earned media strategy for the campaign, working in conjunction with ESD’s public relations staff and any firm that may be retained by ESD for other projects/initiatives.

• Provide web site design and content recommendations, as well as carry out any necessary web site design changes in tandem with ESD’s technology staff. Required web site services may include, but are not limited to, a full or partial redesign of the current empire.state.ny.us site, as well as backend database design, support and maintenance.

• Have proven abilities to lead and/or support New York State’s presence at relevant conferences and events, including but not limited to the development of collateral, booths and any other materials requested by ESD to promote its campaign among the relevant target audience.

• Provide advice, counsel and assistance to ESD on matters pertaining to marketing and advertising to ensure the State benefits to the fullest extent possible. The contractor will monitor, analyze and report on executed advertising campaigns. Upon request, the successful bidder will prepare a written analysis of the campaign, including effectiveness, results and recommendations for improvement.

• Recommend public relations and publicity efforts to supplement paid advertising. Upon request, the contractor will develop, place and/or provide ongoing management of additional integrated marketing programs.

• Perform such other services as a non-exclusive, full-service advertising agency, as requested.

• The winning bidder may subcontract with other firms, as appropriate, pending the approval of ESD.

*M/WBE bidders are encouraged and should email bizmarketingRFP@empire.state.ny.us, with “M/WBE Information” in the subject line, for further information. Note also that a joint venture proposal to perform the functions solicited is acceptable, and W/MBE enterprises may partner with others in substantive ways to submit bids.
III. SUBMISSION OF PROPOSALS

Your response to this RFP will be a narrative proposal (maximum 25 pages) encapsulating how you intend to assist ESD in meeting the objective within the parameters of the Scope of Services. Your narrative must describe your approach to marketing New York State to the business community with an overall strategy and may include branding, concept/creative, execution, etc.

Your proposal should:

- Demonstrate your creative skills combined with branding and business-to-business marketing capabilities.

- Show how you would build a campaign that communicates “New York State Open for Business.” This should include a brief description of ideas for leveraging the State’s other investments in advertising across different State agencies and departments. If you intend to leverage the iconic I LOVE NEW YORK logo and slogan in the business marketing campaign, clearly specify how you intend to use them and briefly describe why you believe they should be used. This section of your response must also include sample creative work that demonstrates the creative direction in which you might take the campaign, or demonstrate the ideas you would consider for launching this exciting, new campaign. It will be critical to display how your basic idea would be brought to life on both the highest emotional level as well as to communicate specific benefits.

- Explain how you will use internet and digital marketing techniques to maximize the campaign’s impact.

- Assuming a total budget of at least $10 million (inclusive of all costs), not to exceed $50 million; provide your thoughts on the optimum allocation of budget by various media types and different spending levels.

- Explain how you will employ state-of-the-art production techniques and cost saving methods.

- Demonstrate that the agency has sufficient capabilities, resources and staff to deliver high quality services on a short time frame and within budget. ESD expects the campaign to launch as soon as possible after a contract is awarded.

- Assuming the following three budget scenarios: $10 million, $25 million and $50 million, state your fees for the initial two-year contract term, as well as for each optional one-year renewal term, using the budget form provided in Appendix A. Please prepare three budget packets and copy the form and check the appropriate box at the top of Appendix A indicating which pricing is associated with each contract term.

Additional requirements are detailed in Section VIII. RFP Review List (page 15).
Inquiries and submissions

Ten (10) copies of each proposal must be received by 3:00 PM EST on September 16, 2011. Late proposals cannot be accepted. Faxed or electronically transmitted proposals will not be accepted.

Proposals shall be delivered clearly labeled as “ESD Business Marketing” to:

Harvey Cohen  
Vice President, Marketing  
Empire State Development  
633 3rd Avenue, 34th Fl.  
New York, NY 10017  
(212) 803-3224

Submission of Questions: All questions must be emailed to Harvey Cohen at bizmarketingRFP@empire.state.ny.us with “Submission of Questions” in the subject line by 5:00pm EST on September 9, 2011.

Responses to all questions of a substantive nature will be provided in writing, via ESD’s website (http://esd.ny.gov/CorporateInformation/RFPs.html) to all known potential bidders. Bidders are encouraged to check the web site frequently for an updated list of questions and answers. A list of questions about the program that are received from potential applicants, and answers to those questions, as well as any changes, additions or deletions to the RFP, will also be posted on ESD’s web site, http://esd.ny.gov/CorporateInformation/RFPs.html, along with the electronic version of this RFP. Applicants should note that all clarifications are to be resolved prior to the submission of a proposal and are urged to check ESD’s web site frequently for notices of any changes, additions or deletions to the RFP.

If you are unable to access the Web site, please contact Harvey Cohen to arrange for alternate delivery. All questions and answers shall become a formal addendum to the RFP.

Contact with ESD staff is controlled by the New York State Finance Law (see ADDENDUM for details). For this RFP, designated staff includes any member of ESD’s Contract Management Unit, Corporate Marketing Department and the Evaluation Committee.
### Schedule of pertinent dates

<table>
<thead>
<tr>
<th>Event</th>
<th>Date/Time</th>
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<tbody>
<tr>
<td>Release of RFP</td>
<td>August 25, 2011</td>
</tr>
<tr>
<td>Deadline for Submission of Questions</td>
<td>September 9, 2011 by 5:00 PM EST</td>
</tr>
<tr>
<td>Submission of Proposals</td>
<td>September 16, 2011 by 3:00 PM EST</td>
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<tr>
<td>Oral Presentations</td>
<td>September 21 and 22, 2011</td>
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<tr>
<td>Announcement of Successful Bidder</td>
<td>September 27, 2011 (Projected)</td>
</tr>
<tr>
<td>Contract Begins</td>
<td>October 3, 2011 (Projected)</td>
</tr>
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**Oral Presentations:** Each finalist may be required to give an oral presentation to present its proposal in person to the RFP Review Committee. Finalists will be selected from bidders receiving the highest scores, based on the selection criteria. ESD reserves the right to designate up to ten finalists and will contact them to schedule an appointment for the oral presentation.

Key personnel who will be directly responsible for the account must attend the oral presentation. If ESD creates a shortlist of candidates, those candidates may be requested to submit “final and best bids” prior to award of the contract.

ESD reserves the right to reject any or all proposals submitted if such election is deemed to be in the best interest of ESD. ESD assumes no obligation, no responsibility and no liability for costs incurred by the responding firms prior to the issuance of a contract.
IV. QUALIFICATION REQUIREMENTS

1. Prior to the proposal due date for this RFP, your company must be a going concern with five years of experience in the advertising, branding, marketing, media and communications industry with a minimum of three years of experience with business marketing and/or business-to-business clients. Your company must have the ability to perform the functions of a full service advertising agency. A joint venture proposal to perform these functions is acceptable. For the purpose of this RFP, a full service advertising agency is defined as a company that provides the services described herein.

2. You must have the economic resources to pay expenses in advance of reimbursement from the State as well as the staff and administrative expenses itemized in your proposal (Budget). Said economic resources shall include the coincidental funds described on the Budget sheet. As part of your proposal, you must provide a letter from a Certified Public Accountant (CPA) stating that your company has the economic resources to pay expenses pending reimbursement from the State and that your company has sufficient working capital, positive net worth, and has, or can obtain, a line of credit for the work described and proposed.

3. As noted in the Selection Criteria, bidders must supply a minimum of three references that can substantiate the quality of the bidder’s work and service. Your references will be contacted to determine if they are consistently satisfied with your work and services.

4. If your company has performed similar services as those listed above for any New York State agency in the past, you must disclose the name of the agency, describe the scope of work provided, and state the rates charged for all services. You must also state whether you will agree to reduce those rates by 10% or more if awarded this contract, in order to comply with Executive Order #10.

5. It is New York State and ESD policy to comply with all Federal, State and local laws, policies, orders, rules and regulations prohibiting unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action in working with contracting parties to ensure that Minority and Women-Owned Business Enterprises (M/WBEs), Minority Group Members and women share in the economic opportunities generated by ESD and its subsidiaries, and participate in projects or initiatives, and/or the use of their funds. ESD’s non-discrimination and affirmative action policies will apply to this initiative. As such, the selected contractor shall be required to use its best efforts to achieve a Minority Business Enterprise participation goal of 15% and Women Business Enterprise participation goal of 5% of the total dollar value of the contract. To that end, a copy of each bidder’s equal employment opportunity policy statement, Staffing Plan (of the anticipated workforce to be utilized on the Consultant team), and Schedule of Minority and Women Business Participation shall be included as part of the response to any RFP. The ESD Affirmative Action Unit (AAU) is available to assist you in identifying New York State certified M/WBEs that can provide goods and services in connection with the contract. If you require M/WBE listings, please call the AAU at (212) 803-3225.
V. SELECTION CRITERIA

Proposals that meet all the requirements of the RFP will be evaluated by the Review Committee based on the following Selection Criteria:

1. **Experience/Marketing Approach (30 points)**. How well the bidder meets the qualification requirements included in the RFP. Particular attention will be given to responses to the questionnaire.

2. **Ability to perform the required services (40 points)**. Evaluation of approach proposed to accomplish the Scope of Services.

3. **Cost (30 points)**. Evaluation of completed budget sheet. Please remember to complete the budget form for the initial two-year contract period, as well as for each optional one-year renewal term.

4. **References**. Proposals must include a minimum of three references (including the name and address of the organization, contact name and telephone number) that can substantiate the quality of the bidder’s work to be considered for an award of this project.

5. **Oral Presentation**. Finalist presentations will be held at ESD’s Albany or New York City offices. The written proposal will then be rescored based on the oral presentation.
VI. INSURANCE AND OTHER REQUIREMENTS

The selected contractor will need to provide evidence of the following insurance:

1. **Commercial General Liability**: $1 million per occurrence/$2 million aggregate and Empire State Development to be named as an additional insured.

2. **Commercial Auto**: Insurance covering all vehicles and Empire State Development to be named as an additional insured.

3. **Workers Compensation and Disability**: Evidence of workers compensation and disability insurance.

4. **Errors and Omissions**: Evidence of minimum of $10 million of coverage and Empire State Development to be named as an additional insured.

5. **Office of State Comptroller Review**: This contract may be subject to review and approval by the Office of the State Comptroller ("OSC") pursuant to Public Authorities Law section 2879-a and the regulations issued thereunder. Such OSC review and approval may be required of contracts with a value in excess of one million dollars, or modifications to contracts that result in an aggregate value in excess of one million dollars, where such contracts are paid in whole or in part with monies appropriated by the State, or were awarded on a basis other than a competitive procurement (as that term is defined in the law and regulations). If this contract is subject to OSC review and approval, then the contract shall not be valid and enforceable, nor shall ESD have any liability of any kind arising from or in connection with this contract, unless and until OSC approval has been received.
VII. STATE TAX AND FINANCE LAW REQUIREMENTS – PROHIBITION ON LOBBYING

1. 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 responses a properly completed Form ST-220-CA, a copy of which is accessible at the Required Forms for Vendors link at the ESD web site. ([http://esd.ny.gov/CorporateInformation/RFPs.html](http://esd.ny.gov/CorporateInformation/RFPs.html)) 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.

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

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: (1) 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 below; (2) the completion by respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law (each form is accessible at the Required Forms for Vendors link at the ESD web site under “RFPs/RFQs”); and (3) periodic updating of such forms during the term of any contract resulting from this RFP. Respondents must submit the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law, as part of their submittal.

The Procurement Requirements also require ESD staff to obtain and report certain information when contacted by prospective bidders during the restricted period, make a determination of the responsibility of bidders and make all such information publicly available in accordance with applicable law. If a prospective bidder is found to have knowingly and willfully violated the State Finance Law provisions, that prospective 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.

For the purpose of compliance with State Finance Law Sections 139-j, contact with Harvey Cohen, ESD Vice President of Marketing is considered permissible. Contact information for Mr. Cohen is provided in Section III.

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/RFPs.html (under “ESD Policy Regarding Permissible Contacts under SFL 139”). All potential Respondents are solely responsible for full compliance with the Procurement Requirements. Both the prime consultant and the sub-consultants complete the forms required above.
VIII. RFP REVIEW LIST

Part 1:
[ ] Narrative Proposal (25 pages maximum)
[ ] List of References
[ ] Certified Public Accountant Letter

Part 2 / Addendum:
[ ] Request for Proposal (RFP) Response Form
[ ] APPENDIX A – Budget
[ ] APPENDIX B – Contractor Travel Reimbursement Guidelines
[ ] APPENDIX C – Procurement Lobbying Disclosure Pursuant to Sections 139-J and 139-K of State Finance Law
[ ] APPENDIX D - Non-Collusive Bidding Certification
[ ] APPENDIX E – MacBride Fair Employment Principles
[ ] APPENDIX F – New York State Vendor Responsibility Questionnaire For-Profit Business Entity
[ ] APPENDIX G – Contractor Certification to Covered Agency (Form ST-220)
[ ] APPENDIX H – Affidavit of Non-Applicability of State Tax Law 5-a
[ ] APPENDIX I – Affirmative Action Forms