



Request for Proposals ("RFP") Insurance Brokerage Services

Publication Date: September 30, 2014
Response Date: October 22, 2014

Empire State Development
633 Third Avenue New York, NY 10017
www.esd.ny.gov

The New York State Urban Development Corporation, doing business as Empire State Development (“ESD”), was formed by legislative act in 1968 to address conditions of unemployment, underemployment and blight which impede the economic and physical development of municipalities, increase the burdens on the State and adversely affect the welfare and prosperity of the State’s citizens. ESD seeks to promote a vigorous and growing economy, prevent economic stagnation, encourage the creation of new job opportunities, increase revenue to the State and its municipalities and achieve stable and diversified local economies. To accomplish this, ESD leverages private investment with loans, grants, tax credits and other forms of financial assistance; assists with site assemblage; and provides targeted relief from legal and regulatory requirements through its participation in projects, programs and other initiatives. ESD’S performance of its economic development services is driven by core values that include efficiency, accountability, transparency, and collaboration with other public and private sector partners. Its success is measured by the number of jobs created and retained for New Yorkers, the degree to which its public resources leverage new private investment in the State and the number of businesses served, including minority, women-owned and other small businesses. In short, ESD works to promote business investment and growth that leads to job creation and prosperous communities across New York State.

Economic development activities also include special projects of considerable magnitude which are carried out mostly by the following subsidiaries of ESD: Convention Center Development Corporation (CCDC), Erie Canal Harbor Development Corporation (ECHDC), Harlem Community Development Corporation (HCDC), Lower Manhattan Development Corporation (LMDC), Moynihan Station Development Corporation (MSDC), Queens West Development Corporation (QWDC), and USA Niagara Development Corporation (USAN). Other major development projects include the Atlantic Yards Project, and the Victoria Theater Redevelopment.

ESD and its subsidiaries are tasked as follows:

- CCDC: Dedicated to the extension and renovation of the Jacob Javits Convention Center, in New York City;
- ECHDC: Revitalize and redevelop Buffalo’s inner and outer harbor areas, including the Canal Side Project;
- HCDC: Formulate policies, partnerships, and revitalization initiatives to promote economic growth in Harlem; its primary departments include commercial development, planning and development, residential development and the Weatherization Assistance Program;
- LMDC: Revitalize Lower Manhattan;
- MSDC: Redevelop the U.S. James Farley Postal Service facility known as the Farley Building to create a modern transportation hub;

- QWDC: Oversee a mixed-use development project on the East River in Queens County;
- USAN: Oversee economic development initiatives by leveraging investment and renewal of the tourism industry in Niagara Falls.

I. PURPOSE

ESD and its subsidiaries, seek proposals for a professional, qualified insurance broker of record, to market, procure and provide program support services for the following ESD's insurance program.

<u>SUBSIDIARIES & OTHER ENTITIES</u>	<u>POLICY TYPE</u>	<u>LIMIT</u>	<u>DEDUCTIBLE</u>
New York Convention Center	General Liability	\$ 2M per Occurrence / \$ 4M Aggregate	\$100,000
New York Convention Center	1st Layer Umbrella Excess	\$25M per Occurrence/ \$25M Aggregate	\$100,000
New York Convention Center	2nd Layer Umbrella Excess	\$25M per Occurrence/ \$25M Aggregate	\$100,000
New York Convention Center	3rd Layer Umbrella Excess	\$25M per Occurrence/ \$25M Aggregate	\$100,000
New York Convention Center	4th Layer Umbrella Excess	\$25M per Occurrence/ \$25M Aggregate	\$100,000
New York Convention Center	Builder's Risk	\$40M	\$100,000
New York Convention Center	Pollution Liabilities	\$35M	\$100,000
ECHDC 130 Main Street/ Marine Drive	Builder's Risk	\$23.7M	\$25,000
Victoria Theater	Commercial Property	\$3M	\$25,000
Moynihan Station Phase 1	General Liability	\$1M per Occurrence/ \$2M Aggregate	\$10,000
Moynihan Station Phase 1	Excess Liability	\$5M per Occurrence/ \$5M Aggregate	
Moynihan Station Phase 1	Project Specific Professional Liability	\$20M per Occurrence/ \$20M Aggregate	
Moynihan Station Phase 1	Project Specific Professional Liability Endorsement Adding Construction Management	\$20M per Occurrence/ \$20M Aggregate	
130 Liberty Street	Pollution Legal Liability	\$10M	\$25,000
Farley Building	Commercial Property	\$250M	\$500,000

Farley Building	General Liability	\$1M Occurrence/ \$2M Aggregate	\$1,000
Farley Building	Umbrella Excess	\$25M	\$10,000
New York Job Dev. Authority	Directors & Officers	\$5M	\$25,000

CORPORATE

Directors & Officers, including Employer's Liability	\$3M	\$100,000
Dishonesty & Crime	\$5M	\$50,000
Commercial Property	\$24M	\$25,000
Comm. Umbrella Excess	\$20M	\$10,000
General Liability	\$1M Occurrence/ \$2M Aggregate	
Workers Compensation	\$1M	State Levels
Commercial Auto	\$1M	\$500 Comprehensive \$1000 Collision
Accidental Death & Dismemberment	Limits vary according to class	State Levels

II. STATEMENT OF INTENT

ESD is seeking a qualified insurance/risk management firm that has a demonstrated history of providing insurance placement and ancillary risk management services to clients similar in nature to that of ESD and its subsidiaries.

III. CONTRACT TERM

The term of the contract will begin on January 1, 2015 and extend (3) years, ending December 31, 2017. At the sole discretion of ESD, the selected contractor may also be awarded up to two (2) one-year extensions to the contract.

IV. SCOPE OF SERVICES

The responsibilities of the Contractor shall include, but are not limited to the following:

A. Broker (s) Services:

1. Assist ESD in determining the best combination of risk transfer, reduction, avoidance, elimination, and acceptance in order to ensure the program provides the most appropriate and cost effective insurance coverage for ESD and its subsidiaries.

2. Assist ESD on a daily basis in establishing suitable insurance requirements to be included in ESD's corporate, subsidiary, or project specific vendor/contractor contracts.
3. Provide recommendations for appropriate coverage, limits and deductibles for all existing and newly acquired properties and operations.
4. Market ESD's total insurance program, including its subsidiaries, providing a detailed description or blueprint of how you envision the overall program to be structured and describing how your firm will keep ESD fully involved in and apprised of the marketing process.
5. Provide coverage summaries including (1) a narrative describing competitive bidding (2) a matrix comparing proposals received and (3) recommendations regarding carriers, price, coverage limits, terms, conditions and exposures.
6. Negotiate acceptable revisions as needed, prior to binding coverage (no coverage, terms or conditions may be bound without prior written authorization from ESD risk management staff).
7. Review policies and endorsements for accuracy and conformity to specifications and negotiated coverage. As ESD operations change, identify new issues, exposures and potential gaps in coverage, keeping ESD informed of significant insurance matters that will affect ESD's program.
8. Advise ESD as requested, or at least semiannually, of significant developments in the insurance marketplace including: coverage, forms, availability, pricing and/or other significant developments that could impact ESD and/or vendors/contractors dealing with ESD.
9. Provide a written report and a briefing to senior management, as requested, or at least semiannually, as to any significant changes in coverage or structure of the ESD insurance program.
10. Approximately 120 days prior to policy expiration, present to ESD a recommended plan for program renewal/marketing, including timelines and assignments.
11. Monitor published financial information of ESD's insurers and alert ESD if/when the status of one or more of those insurers falls below minimum financial guidelines.
12. Approximately six months following policy inception, provide a Customer Service Status Report summarizing the services provided to date, plans for

additional services going forward and any recommendations for the overall ESD insurance program.

13. Represent ESD as needed, on any discussions regarding interpretation of insurance policies placed with carriers and meet, as necessary, with ESD's risk management staff.
14. Provide special services, as requested.

B. Claims Services

1. Assign a dedicated claim representative to act as liaison between ESD, claimants and insurance carriers.
2. Work with ESD to develop and implement appropriate claims reporting procedures.
3. Notify insurance carriers of potential and actual claims.
4. Monitor claims submitted to ensure they are properly handled by the carrier and responded to in a timely manner with confirmation to ESD from the carriers on all claims.
5. Advocate for ESD on any disputed or problem claims.

C. Administrative Services

1. Follow-up with insurance carriers for timely issuance of policies and endorsements.
2. Following placement of insurance policies, deliver binders to ESD prior to the expiration of current policies.
3. Provide ESD with detailed, accurate invoices, including explanations of rating adjustments, dividends, and other factors effecting the calculation of premiums, fees/commissions, and other policy expenses.
4. Process certificates of insurance to third parties.
5. Conduct inspections/surveys of selected properties in order to recommend operational and equipment changes that will improve insurability of properties.
6. At the request of ESD, provide a written loss prevention plan that identifies recommended services.

V. QUALIFICATION REQUIREMENTS

Your proposal must demonstrate your ability to comply with each of the items identified below.

1. Demonstrate at least ten (10) years of successful similar brokerage experience with governmental clients and/or large-scale real estate developments clients and provide at least three references, including contact information.
2. Demonstrate the ability to access markets with sufficient market appetite and capacity to participate in ESD's Insurance Program.
3. Demonstrate the ability to identify risk, recommend coverage and limits and analyze losses in order to provide the most cost effective and comprehensive program.
4. Demonstrate the ability to provide expert (minimum 5 years) loss control and claims support services for a portfolio of governmental clients and/or large-scale real estate developments clients.
5. Provide information regarding the history and organization of your firm. Include number of employees and number of offices including list of locations.
6. Describe services and staff available from your firm's office that will be designated to service ESD's Insurance Program. If you plan to use other firms as partners or subcontractors, outline the services they would provide, their roles, and the staff available to perform those services.
7. Name the principal contact and other key personnel that would be continually responsible for the servicing of ESD's insurance program. Include names addresses and telephone numbers of the primary service team members. Provide resumes of key personnel that will be assigned to the ESD Insurance Program. Briefly describe the role each member will perform and indicate the percent of time each will dedicate to ESD's program.
8. Provide a copy of your firm's most recent audited financial statement.

VI. CERTIFICATE REQUIREMENTS

Broker shall possess, and provide a copy of a valid and current New York State Insurance Department license.

VII. METHODOLOGY

Provide an overview of your approach to marketing and maintaining the ESD Insurance Program.

VIII. COMPENSATION

The proposal should include a fee schedule for Brokerage, Administration and Claims services. Broker is requested to place policy net of commissions.

IX. EVALUATION OF PROPOSALS

The selection process will begin with the review and evaluation of each of the written proposals. The purpose of this evaluation is two-fold: (1) to examine the responses for compliance with this RFP; (2) to identify the complying firms that have the highest probability of fully performing the scope of services to ESD at the best value.

Proposals will undergo an evaluation process conducted by a Committee comprised of ESD staff and any other person(s) ESD deems relevant to this review. The Committee will evaluate the proposals based upon the criteria for selection set forth below, and the qualification requirements set out in clause V above.

ESD reserves the right to determine whether interviews will be necessary for any or all of the proposers. The purpose of the interview is to further document the proposer's ability to provide the required services, and to impart to the Committee an understanding of how specific services will be furnished.

Proposals that meet all the mandatory qualifications as outlined in Section IV through and VIII will be evaluated and scored by ESD staff based on the following selection criteria:

1. Servicing Capabilities (25%)
Each Proposer will be evaluated as to its qualifications pursuant to this RFP, demonstrating its ability to provide and perform the services sought by the RFP.
2. Relevant experience of Personnel assigned to account (25%)
Each Proposer will be evaluated as to its organizational support and experience of staff assigned to servicing the ESD Insurance Program.
3. Clientele with comparable business experience/operations (25%)
Each Proposer will be evaluated on specific examples of insurance services provided to governmental clients and/or large-scale real estate developments clients with comparable business experience/operations to ESD.
4. Fee Structure (25%)
Each Proposer will be evaluated as to its fee structure in providing Brokerage, Claims and Administrative services. Please provide cost proposal for additional services, if applicable.

X. SCHEDULE OF PERTINENT DATES

Deadline for Submission of Questions	October 3, 2014
Deadline for ESD to post addendum (if any) on Web Page	October 10, 2014
Submission of Proposals	October 22, 2014
Interviews if needed	November 3, 2014

ESD reserves the right to modify this schedule at its discretion. Notification of changes in connection with this RFP will be made available to all interested parties via ESD’s website at <http://esd.ny.gov/CorporateInformation/RFPs.html>.

XI. SUBMISSION OF PROPOSALS

Seven (7) print copies of your proposal should be submitted no later than 5:30 P.M. Eastern Standard Time, on October 21, 2014 in a sealed package to:

Edgar Camacho, Contracts and Procurement Specialist, Contract Administration
Empire State Development
633 Third Avenue, 35th Floor
New York, NY 10017
Attn: ESD Insurance RFP

In addition to print copies, **please submit an electronic copy on a flash drive or cd.** This will **NOT** be considered a substitute for a timely print copy submission.

It is the responsibility of each individual or firm to ensure timely submission of its proposal. Proposals received after the scheduled date and time cannot be accepted. A respondent accepts all provisions of this RFP by submitting a proposal and is responsible for the accuracy of its submission.

By submitting a Proposal, each Respondent authorizes ESD to contact any and all other persons identified in its Proposal or in any inquiry conducted by or on behalf of ESD, and to obtain the release of pertinent financial and other information, as well as to obtain verification of the information provided by each Respondent.

ESD will not be held liable for any costs, including travel expenses, incurred by any Respondent for work performed in the preparation and production of a submitted Proposal, including any requests for additional information, interviews or negotiations; nor for any work performed prior to written authorization from ESD to proceed. All Proposals submitted will become the property of ESD.

ESD shall act as the sole judge of the content of the proposals submitted, may negotiate an agreement with any or no Respondent, or may waive any informalities or irregularities. Issuance of this RFP and receipt and evaluation of responses do not obligate ESD to undertake any action. ESD will evaluate proposals and may interview one or more respondents. Key

personnel and staff assigned to the engagement must be present at any interview. ESD reserves the right to interview some, none, or all Respondents as it deems appropriate. ESD's request for an interview shall not constitute acceptance of a proposal. ESD reserves the right to request "best and final offers" or to conduct other additional competitive proceedings with respect to this RFP. ESD staff will recommend contract award to ESD Directors at a regularly scheduled Directors' meeting.

XII. INQUIRIES

All inquiries or requests for additional information or documents should be emailed to: ESD2014InsuranceRFP@esd.ny.gov. ESD will post all of its responses to substantive questions only on ESD's website (<http://esd.ny.gov/CorporateInformation/RFPs.html>). ESD intends to post such responses on or prior to the date set forth in the Schedule of Pertinent Dates section of this RFP. All questions must be submitted to ESD in writing and only by email addressed to the email address specified above, and such questions must be so received by ESD prior to the deadline for questions set forth in the Schedule of Pertinent Dates section of this RFP. ESD will post on its website the electronic version of this RFP and all changes, additions, or deletions thereto. Firms should frequently check ESD's website regarding this RFP.

XIII. PROCUREMENT FORMS AND INSURANCE REQUIREMENTS

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

1. State Finance Law §§139-j and 139-k forms
2. New York State Vendor Responsibility Questionnaire For-Profit Business Entity
3. Iran Divestment Act Statement
4. Encouraging the Use of NYS Businesses in Contract Performance Form
5. Certification Under State Tax Law Section 5-a
6. Schedule A (for review only—no separate form requirement)
7. Project Sunlight (for review only—no separate form requirement)
8. Insurance Requirements
9. Non-Discrimination and Contractor & Supplier Diversity Requirements

1. 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 below; the completion by Respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer'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 Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer's Affirmation of Understanding and Agreement pursuant to State Finance Law as part of their submittal. Copies of these forms are available at:

http://www.empire.state.ny.us/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139JK.pdf

The Procurement Requirements also require ESD staff to obtain and report certain information when contacted by prospective 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 prospective respondent is found to have knowingly and willfully violated the State Finance Law provisions, that prospective respondent and its subsidiaries, related or successor entities will be determined to be a non-responsible Respondent and will not be awarded any contract issued pursuant to this solicitation. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract. The designated contact account for this solicitation is ESD2014InsuranceRFP@esd.ny.gov. 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 "ESDC 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 any sub-consultants complete the forms required above.

2. Vendor Responsibility

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 Designated Developer, if any, shall include clauses providing that the Designated Developer remain "responsible" throughout the term of the contract, that ESD may suspend the contract if information is discovered that calls into question the responsibility of the contracting party, and that ESD may terminate the contract based on a

determination that the contracting party is non-responsible. On request, model language to this effect will be provided to any Respondent to this RFP.

To assist in the determination of responsibility, ESD requires that all respondents to this RFP register in the State's Vendor Responsibility System ("VendRep System"). The VendRep 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 VendRep System or may choose to complete and submit a paper questionnaire. Please include a copy of your VendRep submission receipt with your proposal. If you submit a paper questionnaire please submit it using certified mail and provide a copy of the return receipt.

To enroll in and use the VendRep System, see the System Instructions available at www.osc.state.ny.us/vendrep or go directly to the VendRep system online at <https://portal.osc.state.ny.us>. For direct VendRep 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 VendRep 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)." For ESD RFPs concerning the purchase and redevelopment of real estate, it is most common for a Respondent to complete the form as a "Non-Construction" company. Unless the Respondent is primarily a Construction firm, the Respondent should thus fill out the Vendor Responsibility Questionnaire as a "Non-Construction" entity, either as a For-Profit or Not-For-Profit entity, depending on the Respondent organization type.

3. 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. No Response that fails to certify compliance with this requirement may be accepted as responsive.

4. 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, bidders/proposers 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, included in the Appendix.

5. 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, or an affidavit that the Respondent is not required to be registered with the State Department of Taxation and Finance. A copy of the ST-220-CA form and affidavit is accessible at the Required Forms for Vendors link at the ESD web site: labeled "Schedule A- Conditions Applicable to the Corporation's Agreements for Materials and Services (includes ST220 and all other required forms) at <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.

6. Schedule A

Following final selection of a Designated Developer, ESD will prepare a contract defining all project terms and conditions and the Designated Developer's responsibilities in conformance with "Schedule A," which can be found at:

http://esd.ny.gov/CorporateInformation/Data/ScheduleA_ConditionsApplicabletoCorporationAgreementsForMaterialServices_RevisedMay2014.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 the Designated Developer will need to accept these terms prior to contract execution.

7. 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 for real property (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.

8. Insurance Requirements

The selected respondent must show evidence of the following insurance requirements (at a minimum and to the extent applicable).

- Commercial General Liability insurance - \$1 million per occurrence / \$2 million aggregate
- Excess Umbrella Liability insurance - \$5 million per occurrence / \$ 5 million aggregate
- 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
- Professional Liability (Errors + Omissions) (\$5 million to \$10 million)
- Director’s & Officers’ Insurance \$1 million per occurrence / \$1 million aggregate
- Fiduciary Liability - \$1 million per occurrence / \$1 million aggregate
- Outside Directors Liability (ODL)- \$ 1 million per occurrence / \$1 million aggregate
- Employer’s Liability Insurance (State statutory limits)
- NYS Urban Development Corporation d/b/a Empire State Development must be named as additional insured on a primary and non-contributory basis. Waiver of subrogation in favor of NYS UDC d/b/a ESD applies.

9. Non-Discrimination and Contractor & Supplier Diversity Requirements

It is the policy of the State of New York and Empire State Development (ESD) to comply with all federal, State and local laws, policies, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action in working with contracting parties to ensure that Minority and Women-owned Business Enterprises (MWBs), Minority Group Members and Women share in the economic

opportunities generated by ESD's participation in projects or initiatives, and/or the use of ESD funds. MWBE firms currently certified by New York State's Department of Economic Development are encouraged to respond to this RFP.

ESD's Non-Discrimination and Contractor & Supplier Diversity policy will apply to this initiative. The Respondent shall be required to solicit and utilize MWBEs for any contractual opportunities generated in connection with the Project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8, see attached exhibit OCSD-4) to achieve an **overall MWBE Participation Goal of 25%** related to the total value of ESD's funding. The aforementioned goal shall include Minority Business Enterprise (MBE) Participation and Women-Owned Business Enterprise (WBE) participation totaling 15% and 10%, respectively.

A copy of each Respondent's Equal Employment Opportunity Policy Statement (Form OCSD-1) and MWBE Utilization Goal Plan (Form OCSD-4) proposing specific certified firms to be utilized or industries where MWBE firms shall be solicited.

For purposes of providing meaningful participation by MWBEs on the project and achieving the project goals established herein, Respondent should reference the directory of New York State Certified MWBEs found at the following internet address:

<https://ny.newnycontracts.com/>

Only the Respondent to the RFP shall complete the above forms. In the Utilization Goal Plan (Form OCSD-4), the Respondent must list all sub-contractors and/or sub-consultants it proposes to use in achieving the MWBE goal requirement or provide a tentative Utilization Goal Plan which proposes the types of sub-contractors that the Respondent intends to solicit to achieve the assigned MWBE participation goal requirement. If a tentative plan is provided, the selected Contractor shall be required to provide an updated MWBE plan after the execution of the contract.

The Respondent may use the aforementioned directory of Certified MWBEs to identify firms that it proposes to utilize. OCSD is also available to assist you in identifying New York State certified MWBEs that can provide goods and services in connection with this contract. If you require listings of certified MWBE firms or have other questions relating to the requirements herein, please contact OCSD with your inquiries and comments. Be sure to include all relevant contact information for your company and details pertaining to this RFP.

General inquiries or questions relating to aforementioned policies, MWBE participation and the goals specified herein may be addressed to OCSD at OCSD@ESD.NY.GOV.