

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

Buffalo Investment Development Strategy

Request for Proposal

**PROPOSAL DUE DATE: April 30, 2012 by 3:00 PM EST
(Late proposals cannot be accepted)**

Released March 29, 2012

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I. BACKGROUND

The Buffalo area economy has lagged behind much of the nation for far too long. This economic decline has left the region with significant job and population losses, a lack of venture capital and innovation, a legacy of environmental and economic challenges including brownfields, sprawling suburbs, and workers whose skills do not fit with the emerging needs of employers.

Despite these challenges, the Buffalo area has many assets to build on. There are 21 colleges and universities in the Buffalo area producing an increasingly educated workforce. The Buffalo area has a unique cultural and industrial heritage, world-renowned architecture, and a strategic border location with Canada and proximity to Midwest and Northeastern U.S markets. The region also enjoys an abundance of fresh water and natural resources, a diverse economy including trade and transportation, education and health services, energy, professional and business services, manufacturing, and tourism/hospitality.

In 2011, Governor Cuomo, recognizing that New York State was not achieving the economic prosperity it could, created a new approach to economic development with the institution of Regional Economic Development Councils across the state. Governor Cuomo created the Western New York Regional Economic Development Council, one of ten public-private partnerships statewide composed of local experts and stakeholders from business, academia, local government, and non-governmental organizations. The Councils were asked to come up with a plan to guide the region's economic development. Each Council submitted development strategies to the State in November 2011. In December 2011, the Governor named the Western New York Regional Council's economic development plan one of four "Best Plan" and awarded the council over \$100 million in State support for projects and programs identified by the Council.

To build on this success, Governor Cuomo proposed in his 2012 State of the State address that New York State help Buffalo to realize economic growth and set the foundation for sustainable economic excellence for future generations. To do so, the Governor committed a historic \$1 billion investment in the Buffalo area economy to create thousands of jobs and spur \$5 billion in new investment and economic activity over several years. Governor Cuomo's commitment to make a \$1 billion investment in Buffalo has the potential to set a new growth trajectory for jobs and growth in the area economy.

The development of a sound business plan is central to success. This plan must be grounded in evidence, informed by international best practices, detailed enough to activate short-term, directed action, subject to accountability, supported by key stakeholders and designed for maximum communication and impact. The business plan will build on the Western New York Regional Economic Development Strategic Plan, but will have distinctive, detailed elements given the size, scale and nature of the State's dedicated investment. Throughout the planning process key experts in the public, private and civic sectors will be consulted and best practices from across the globe will be reviewed. Once an investment strategy is developed, State resources will be available to leverage private sector investments to significantly accelerate development.

The State is recruiting the services of a global management consulting firm to create a metropolitan business plan and secure development partners to drive investment and create jobs in Buffalo. This strategy must focus on adopting market-driven economic strategies that leverage the Buffalo area's assets, overcome its challenges and realize a historic return on investment.

To this end, the Governor has directed Empire State Development (ESD), the State's lead economic development agency, to identify a global management consulting firm with the necessary experience in building sustainable competitive advantage in metropolitan regions. The consultant will become a full partner in the development and implementation of this market-driven metropolitan business plan.

II. SOLICITATION

Through this announcement, The New York State Urban Development Corporation d/b/a Empire State Development (ESD) is soliciting proposals from firms specializing in metropolitan development planning and investor recruitment to create and help implement a strategy to leverage the \$1 Billion State investment into transformational development positively impacting the City of Buffalo and its surrounding area. The objective of this procurement is to engage a firm with the experience and capacity to develop a transformational development plan and investment campaign that will result in a significant, regional impact in the Buffalo economy and meaningful return on New York State's investment.

ESD is seeking a qualified contractor to provide full-service research, stakeholder engagement, metropolitan development strategy and implementation planning, investor engagement and related services. ESD is particularly interested in firms with experience in transformative, turnaround economic development strategies based on a rigorous market analysis of the region with the ability to solicit and secure private sector investments.

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 MWBE enterprises may partner with others in substantive ways to submit bids.

ESD seeks contractors with strong, demonstrable experience in the following:

- ❖ Successfully identifying and adapting cutting edge, transformative economic strategies and best practices for other regions of the US and globally;
- ❖ Developing comprehensive metropolitan business plans in former industrial based regions, including operational and financial plans for investment and implementation;
- ❖ Performing detailed market analysis on regional economies that identifies factors that can contribute to value-added growth in regional traded sectors;
- ❖ Leveraging analyses to identify transformative strategies that are naturally aligned with regional economies;
- ❖ Deploying strategies that positively affect market dynamics to improve regional productivity, income growth and revenue growth;
- ❖ Providing clear indicators of performance and return on investment;
- ❖ Improving economic opportunity throughout regions, especially for historically disadvantaged populations, to create sustainable, inclusive, long-term economic growth that promotes diversity and reduces disparities.
- ❖ Soliciting and securing private sector investors for metropolitan areas;
- ❖ Engaging private sector equity and venture capital firm investment in regional economic development projects;

- ❖ Engaging stakeholders to validate economic analysis and build community support for economic transformation ; and
- ❖ Engage diverse communities across categories of income, race/ethnicity and geography to ensure all interests and perspectives are infused into the planning and implementation process.

III. SCOPE OF SERVICES AND DELIVERABLES

DELIVERABLES:

Following are the deliverables expected.

1. **Prospective Market Analysis:** A report incorporating prior market analysis and strategies that will provide more detailed review and understanding of key industry sectors to detail market dynamics underlining the region's assets and economic conditions. The report will also outline key investment opportunities in targeted industry sectors that, if fully capitalized, would enrich regional development plans.
2. **Transformative Strategies:** Building from the baseline data and key strategies that are under development, provide recommendations on a set of both short- and long-term strategies for generating growth and development in the Buffalo region. Identified strategies should include, but not be limited to, investment recommendations, economic redevelopment plans, public/private partnership recommendations. The identified strategies must be transformative in their ability to improve market dynamics to boost job growth and investment in key sectors of the region. The recommended strategies in this report must have associated performance metrics and indicators that can demonstrate improvement across a variety of outcomes. Finally, recommendations should make use of strategies that have met success and best practices.
3. **Stakeholder Engagement:** Assist in the creation and implementation of a plan, subject to review and approval of ESD, for direct successful and broad stakeholder engagement including, but not limited to, private sector investors, public sector partners, community members that result in stakeholder feedback that will be reflected in the plan. The firm will work with the Western NY Regional Economic Development Council, ESD and community leaders to create and implement this plan. Engaging stakeholders will provide input on local initiatives, feedback on investment options, exposure to best practices that be incorporated and garner support for the investment strategy.
4. **Investor Opportunities and Candidates Report:** Based on the Prospective Market Analysis, identify specific investment opportunities and prime private sector investor candidates that align with the overall investment strategy and regional transformation plan and are likely to invest in the region. The investors should be of such quality and capacity that their investment in the region would significantly increase the success of the regional transformation.
5. **Implementation Plan:** A detailed plan for implementing the Transformation Strategies, and identifying potential investors for the region. The Implementation Plan should define key milestones and checkpoints to allow successful project management. Further, the plan should explain how activities will be executed including implementation partners, financial sources and uses, requirements of local, state and federal governments to execute, performance metrics, expected return on investment. A detailed timeline and expected outcomes must be clearly and definitively defined.

The deliverables listed above are expected to be completed in four months. (Assuming a start date in June, deliverables would be due in September 2012). ESD reserves the right to alter this time frame.

OPTIONAL IMPLEMENTATION SUPPORT: The selected firm may be asked to continue services to assist with implementation of the Implementation Plan. If ESD chooses to exercise this optional deliverable component, ESD and the selected firm will establish a Statement of Work that may be reviewed/approved by the State Comptroller. Submissions must include the cost proposal implementation assistance form (Appendix J) with respect to this optional component.

To support completion of the deliverables described above, the successful bidder will:

- Work in conjunction with ESD and its key partners, including the Governor's Western New York Regional Council and Work Groups, in developing overall metropolitan business plan and investment strategy. The submitted ideas will be supervised by and supplement the recommendations of the WNY Regional Council, ESD's staff and advisors.
- ❖ Utilize existing detailed baseline metropolitan analysis and existing regional planning studies (See Section XI for list of available research) to develop deliverables.
- ❖ Analyze all relevant existing research and conduct additional research, including both qualitative and quantitative studies, in order to fill knowledge gaps and suggest refinements to strategies.

IV. SUBMISSION OF PROPOSALS

Your proposal must include the following:

1. Narrative

A narrative proposal (maximum 50 pages) encapsulating how you intend to assist ESD in meeting the objective within the parameters of the Scope of Services. The narrative should include the following:

Project Approach, Workplan, and Timeline: In this section of the proposal, the Bidder should set forth, in a detailed narrative format, its overall approach to projects of this nature, and how it will be applied to this project. This narrative should demonstrate that the Bidder understands the objectives and type of services required by this RFP, the nature of the required work and the level of effort necessary to successfully complete assignments. The narrative should also demonstrate how the firm used the proposed project approach successfully in the past on engagements of comparable complexity and scope. It should illustrate any measures or indicators that can demonstrate their prior success. Additionally, this section should:

- Demonstrate your knowledge of corporate investment opportunities and how you would identify appropriate opportunities for Buffalo.
- Explain the methodology you would use to engage stakeholders to help ensure appropriate community support.
- Demonstrate your knowledge of best practice economic development strategies in other communities.

The work plan should include a detailed scope of services with specific tasks identified for each deliverable identified in Section III and the expected timeframe for completion of each task. For each task identified, list all proposed subcontracting, sub-consultant, and/or independent contracting opportunities and indicate to which you have identified a NYS certified MWBE to perform such subtask.

Firm Experience and Capacity: Bidding Firm's should have significant experience and demonstrable success in metropolitan business planning of this magnitude, as well as the capacity to execute this engagement. Preferred firms will demonstrate significant experience directly related to activities listed on page 4.

- Describe three relevant and recent examples of your Firm's experience in similar metropolitan planning initiatives of this scale. Specifically provide indicators and measures that demonstrate success and successful return on investment. Provide client references for each example. References may be contacted at the sole discretion of ESD and the evaluation panel.
- Demonstrate that your firm has sufficient capabilities, resources and staff to deliver high quality services on a short time frame and within budget. ESD expects the process to launch immediately after a contract is awarded and is providing a four-month timeframe for completion of all identified deliverables.

- Demonstrate and specify your firm’s experience in successfully soliciting and securing investment opportunities for metropolitan areas.

Staff Experience: Bidders should submit descriptions for all key staff members proposed for this engagement. The descriptions should specify the candidate’s proposed role (such as degree of involvement and level of authority) and highlight prior experience that would qualify the candidate for this engagement, including experience gained on projects similar to that described in this RFP. Within those descriptions, the Firm should identify pertinent roles performed in past engagements and state all relevant information regarding the number of years of experience, and specific qualifications for each staff member.

Resumes should be included in an appendix for each of the staff members proposed for the engagement team and will not count towards the 50 page limit. Resumes should include a detailed description of all applicable qualifications and relevant work experience.

2. Detailed Budget – Bound separately from the technical proposal

A detailed budget which shall include at a minimum:

- (i) for each deliverable identified in Section III, complete the Cost Proposal Form provided as Appendix J;
- (ii) a detailed list of all expected administration expenses, including telecommunications, supplies and other miscellaneous costs*;
- (iii) travel expenses incurred which shall be reimbursed in accordance with State rates, as identified in Appendix A of this RFP*; and
- (iv) a total expected cost to ESD for completion of all tasks. Please list total costs and expenses separately.
- (v) for the Optional Implementation, complete the proposal implementation assistance form (Appendix J) listing each title anticipated to be used on any implementation support along with a corresponding hourly rate. These hourly rates will be used for evaluation purposes and to determine the cost for any necessary SOW for implementation services.

* Expenses and other overhead can be included in proposed not to exceed cost

Among the selection criteria is the fee the Bidder will charge ESD for the services described in this RFP. **Proposals with a fee format different from the format indicated in Appendix J– Cost Proposal Form will be deemed non-responsive and will not be considered for evaluation. All fees must be presented as a fixed dollar amount. An official authorized to contractually bind the prospective Bidder must sign the Cost Proposal.**

ESD will compensate the successful Contractor upon submission of an approved invoice and all other documentation required by ESD. Invoices may be submitted monthly for payment of costs and expenses incurred by the Contractor in accordance with budget submitted by the Contractor.

3. Conflict of Interest Statement

Please submit a statement describing whether the representation of ESD would create any potential conflict of interest, or appearance of impropriety, relating to other clients/customers of the respondent or former officers and employees of ESD. Indicate what procedures will be followed to detect, notify ESD of, and resolve any conflicts.

Identify any past, pending or threatened state or federal litigation or proceedings of any administrative or ethics board or similar body proceedings to which you or any of your partners are a party and which would either materially impair your ability to perform the services enumerated herein, or, if decided in an adverse manner, materially adversely affect the financial condition of your firm.

Any firm selected pursuant to this RFP will be required to advise ESD of any developments during the term of this appointment with respect to existing and/or any new civil or criminal legal investigations, pertinent litigation and/or regulatory action involving the firm or its employees which could impact the firm's role or ability to perform the consulting services.

4. Additional Requirements

Additional requirements and required forms to be submitted are detailed in Section XII. RFP Review List (page 23)

Inquiries and submissions

Ten (10) copies of each proposal and one (1) electronic copy on CD/USB must be received by 3:00 PM EST on April 30, 2012. Late proposals cannot be accepted. Faxed or electronically transmitted proposals will not be accepted.

Proposals shall be delivered clearly labeled as “Buffalo Investment Strategy” to:

Christina Orsi
Regional Director, Western New York
Empire State Development Corporation
95 Perry Street, Suite 500
Buffalo, New York 14203-3030

Submission of Questions: All questions must be emailed to **Christina Orsi** at corsi@esd.ny.gov with “Submission of Questions” in the subject line by **April 20, 2012, 5:00pm EST.**

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 Christina Orsi to arrange for alternate delivery. All questions and answers shall become a formal addendum to the RFP.

Schedule of expected dates

Release of RFP	March 29, 2012
Deadline for Submission of Questions	April 20, 2012 by 5:00 PM EST
Submission of Proposals	April 30, 2012 by 3:00 PM EST
Oral Presentations	May 7th and 8th 2012 (tentative)
Expected Approval of Successful Bidder	May 17, 2012 (Projected)
Contract Begins	June 1, 2012 (Projected)

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.

V. ADDITIONAL REQUIREMENTS

Firm Minimum Qualifications: Prior to the proposal due date for this RFP, your company must be a going concern with five years of experience in the global management consulting industry with a minimum of seven years of experience working with metropolitan areas of similar size and in similar economic transition initiatives. Please complete Attachment I - Minimum Qualifications Form confirming this experience. Bidders must be capable of performing the entire scope of services and completing all of the deliverables set forth in this RFP.

A joint venture proposal to perform these functions is acceptable. In the event of a joint proposal, at least one of the firms must meet all the qualifications.

Key Staff Minimum Qualifications:

Key staff proposed for this project must have three years experience in developing a regional business development strategies based on rigorous market analyses, best practices transformative economic strategies that include operational and financial plans for investment and implementation.

Additional Requirements:

1. 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.*
2. 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.* <http://www.governor.ny.gov/executiveorder/10>
3. 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 (MWBEs), 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. The ESD Affirmative Action Unit (AAU) is available to assist you in identifying New York State certified MWBEs that can provide goods and services in connection with the contract. If you require MWBE listings, please call the AAU at (212) 803-3225. See Section VI for MWBE requirements.

VI. MWBE REQUIREMENTS

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

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of ESD contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority-and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that ESD establishes goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, ESD hereby establishes an overall goal of 20% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). A contractor ("Contractor") on the subject contract ("Contract") must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that ESD may withhold payment pending receipt of the required MWBE documentation. The directory of New York State Certified MWBEs can be viewed at: <http://www.esd.ny.gov/mwbe.html>.

For guidance on how ESD will determine a Contractor's "good faith efforts," refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and ESD may withhold payment from the Contractor 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 bidder on the Contract (“Bidder”) agrees to submit the following documents and information as evidence of compliance with the foregoing:

- A. Bidders are required to submit a MWBE Utilization Plan (attached Appendix H) with their bid or proposal. Any modifications or changes to the 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.
- B. ESD will review the submitted MWBE Utilization Plan and advise the Bidder of ESD acceptance or issue a notice of deficiency within 30 days of receipt.
- C. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to the ESD, [address, phone and fax information], 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 and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals (attached Appendix H). Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.
- D. ESD may disqualify a Bidder as being non-responsive under the following circumstances:
 - a) If a Bidder fails to submit a MWBE 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.

Contractors shall 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.

Contractors are required to submit a Contractor’s Quarterly MWBE Contractor Compliance & Payment Report (attached Appendix H) to the ESD Affirmative Action Unit, 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 Bidder/Contractor agrees with all of the terms and conditions of Appendix H. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 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 Contractor, shall 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.

Bidder further agrees, where applicable, to submit with the bid a staffing plan (attached Appendix H) identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit to ESD, a workforce utilization report identifying the workforce actually utilized on the Contract if known.

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 forms referenced in this Section VI are contained Appendix H.

VII. SELECTION CRITERIA

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

Project Approach, Workplan and Timeline (30 points) Evaluation of approach proposed to accomplish the Scope of Services and the demonstrated ability to perform scope successfully in the given timeframe.

Firm Experience and Capacity (25 points) Demonstrated experience of the firm in developing a regional business development strategy based on rigorous market analysis, best practices transformative economic strategies that include operational and financial plans for investment and implementation.

Staff Experience (25points) Demonstrated experience of the proposed staff assigned to this project on similar transformation projects.

Cost (20 points) Evaluation of completed budget submitted with the proposal.

Oral Presentation/Interview ESD's evaluation process will identify Finalists that will be invited for oral presentation. Finalist presentations may be held in in ESD's Buffalo or Albany offices. Once identified, Finalist firms will be notified of the specific date, location and time of their presentation. The interview will allow interviewees to demonstrate their ability to provide the required services. The proposed key staff should be present and participate in the presentation. Final scoring of proposals in accordance with the above will be completed after the oral presentation/interview.

References. Proposals must include a minimum of three client 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.

VIII. MISCELLANEOUS CONDITIONS

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

1. amend, modify or withdraw this RFP;
2. revise any requirement of this RFP;
3. require supplemental statements or information from any responsible party;
4. accept or reject any or all responses hereto;
5. extend the deadline for submission of responses hereto;
6. negotiate or hold discussions with any firm and to correct deficient responses which do not conform to the instructions contained herein; and
7. 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.

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

IX. INSURANCE AND OTHER REQUIREMENTS

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

- Commercial General Liability insurance - \$1 million per occurrence / \$2 million aggregate.
- Auto Liability insurance - \$1 million per occurrence / \$1 million aggregate
- Excess Umbrella Liability insurance - \$1 million per occurrence / \$ 1 million aggregate
- Professional Liability insurance - \$1 million minimum
- 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.
- The NYS Urban Development Corporation d/b/a Empire State Development must be named as an additional insured on a primary and non-contributory basis on all of the following policies: Commercial General Liability, Auto Liability, and Excess Liability policies
- All policies above should include a waiver of subrogation in favor of NYS UDC d/b/a ESD.

X. STATE TAX AND FINANCE LAW REQUIRMENTS – 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 attached in Appendix G.**

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. A copy of the forms are attached as Appendix C.**

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 Christina Orsi, Western New York Regional Director is considered permissible. Contact information for Ms. Orsi is provided in *Section IV*.

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.

3. Vendor Responsibility

ESD encourages vendors to 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. Vendors are invited to file the required Vendor Responsibility Questionnaire online via the New York State VendRep System or may choose to complete and submit a paper questionnaire. To enroll in and use the New York State VendRep System, see the VendRep 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 OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at helpdesk@osc.state.ny.us.

Vendors 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.

4. 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.

XI. DATA THAT WILL BE PROVIDED

The following information will be available to the selected consultant team to utilize in conducting supplemental research and the preparation of an investment strategy.

Research underway that will be provided at beginning of consultant engagement:

Buffalo Metro Baseline Assessment: Current and trend assessment of critical social and economic indicators (e.g. GDP, trade, human capital, quality of life, etc.) to assess where the region stands today, identify key strengths and weaknesses, outline historical target industries and guide the overall direction of strategic investments.

Buffalo Metro Regional Status Assessment: As an extension to the baseline assessment, identification and analysis of Buffalo region's physical infrastructure and regulatory environment to sharpen the focus on both regional assets and barriers to growth. This will include a thorough evaluation of physical infrastructure, real estate market, surplus property inventory, and tax, environmental and incentive policy assessment.

Buffalo's natural trading partners globally. Comprehensive baseline of regional engagement in international trade. Once the international trade data are gathered and analyzed opportunities, challenges and options for the region in terms of trade and investment flows – particularly as related to Canada will be presented.

Regulatory picture for Buffalo. Research and analysis of the NYS regulatory framework as related to the region, including tax collection, business creation, environmental policies, municipal collaboration and shared services, among other areas. This will include how the regulatory environment both supports and constrains economic development, with strategies for mitigating constraints and/or opportunities for legislative change.

Existing Data/Development Reports

The following is a list of existing reports/data that have been put together relating to economic development conditions and strategies. These may be useful background information.

[A Strategy for Prosperity in Western New York](#)

The regional economic development plan produced by UBRI and UDP in collaboration with the Regional Economic Development Council – one of four state-wide winners of “best plan.”

[JumpStart Upstate New York](#)

The Upstate New York Regional Entrepreneurship Action Plan (REAP) outlines the rationale and structure for providing regional entrepreneurs with expert assistance and investment capital, accelerating the growth of high potential startup businesses and existing companies. Over the last year, with the assistance of Upstate New York stakeholders, JumpStart performed primary and secondary research, and prepared this REAP.

[The Queen City in the 21st Century: the Buffalo Comprehensive Plan](#)

Produced by UDP in close collaboration with the City of Buffalo and comprising plans for Buffalo's waterfront, Olmsted parks, and downtown. The ensemble of plans, which won the

Congress for the New Urbanism's Charter Award in 2010, is adopted as Buffalo's current planning framework.

[*A Cultural Tourism Strategy: Enriching and Building Tourism in Buffalo Niagara*](#)

A joint effort of UBRI and UDP with funding from the Oishei Foundation, crafted an approach to industry-wide coordination and organizational capacity building toward maximizing the economic benefits of cultural tourism in the region.

[*The Difference a University Makes*](#)

A highly influential analysis of the economic impact the University at Buffalo has on the region (\$1.8 billion per year), was a major talking point in UB's advocacy on behalf of finance and governance reforms sought from the State Legislature.

[*Agriculture-Dependent Economic Development for Western New York State*](#)

The objective of this work is to provide the Buffalo Niagara region with materials, information and guidance that would lead to the development of new and existing agricultural-related businesses in Western New York. The report was conducted by Informa Economics and Moran, Stahl and Boyer.

[*Buffalo Niagara: Where Industry Creates Energy*](#)

Is a comprehensive Report on the green economy and Buffalo Niagara's alternative-energy manufacturing potential. By matching the needs of the green economy to the region's assets, opportunities for job growth. These opportunities were examined in terms of strengths, opportunities and the competitive landscape. This will help to define strategies that can attract new growth.

[*Locating Customer Contact Centers and Back Office Operations in Western New York State*](#)

This resource profile is to provide objective information on back office and customer contact centers in Western New York State to support companies in making decisions concerning the establishment and expansion of operations in the region.

[*Buffalo Niagara Enterprise Life Sciences Strategic Marketing Plan*](#)

This report is meant to provide guidelines for implementation of the life sciences marketing strategy for the Buffalo Niagara Enterprise only. There are four sectors identified that are ideally suited to pursue in the short term, based on the current situation. Future growth in the life sciences sector in the region is going to be contingent on some bigger picture and more strategic issues being addressed.

[*Buffalo Niagara Labor Market Assessment: Who's Your Economy*](#)

The report presents a comprehensive, independent assessment of the Buffalo Niagara region's labor market, including historical and forward-looking perspectives. Intended to provide relocating or expanding employers with the most current regional labor market information.

XII. RFP SUBMISSION REVIEW LIST

Part 1: Proposal

- Request for Proposal (RFP) Response Form
- Narrative Proposal (50 pages maximum)
- Resumes of Expected Team Members
- A copy of your company's Equal Employment Opportunity Policy Statement, Staffing Plan, and Schedule of Minority and Women Business Participation
- List of References
- Certified Public Accountant Letter
- Procurement Lobbying Disclosure Pursuant to Sections 139-J and 139-K of State Finance Law
- Non-Collusive Bidding Certification
- Contractor Certification to Covered Agency (Form ST-220)
- New York State Vendor Responsibility Questionnaire For-Profit Business Entity
- Certification of No Conflict of Interest
- Minimum Qualification Form
- MacBride Fair Employment Principles Form

Part 2: Budget

- Project Budget
- Cost Proposal Form (APPENDIX J)