

ILLINOIS TOLLWAY
PARTNERING FOR GROWTH – CONSTRUCTION
EMERGING TECHNOLOGY-
GUIDELINES

I. Program Overview

Purpose of Program: The goal of the Illinois Tollway Partnering for Growth – Construction Emerging Technology program is to provide a mutually beneficial working relationship between a Mentor and a DBE, MBE, SBI, or VOSB Protégé firm (“Protégé”) through assistance and training of the firm. The goal is to improve the firm's management and operating skills and increase its capacity and competitiveness while remaining a self-sufficient, profitable business enterprise.

Goals of the Program:

- A. Establishing relationships between primes and diverse firms that have no prior, or only limited, experience providing services to the Tollway
- B. Continuing technical and nontechnical support for diverse firms that have no prior, only or limited, experience providing services to the Tollway
- C. Increase access to opportunities for underutilized groups who have limited or no participation in Tollway contracts
- D. Expand the scope of Protégé firms’ services
- E. Increase the pool of diverse firms that will be qualified to work on Tollway construction projects
- F. Create a pipeline of firms that eventually can bid as prime contractors

II. Protégé Requirements

- A. The firm must meet the minimum requirements to qualify as a DBE, MBE, SBI, or VOSB firm with an Illinois Tollway-approved certifying agency.
- B. Potential Protégés participating in the Partnering for Growth – Emerging Technologies must be independent business entities not affiliated with the Mentor as outlined in 49 CFR Part 26, and Protégés are required to perform all administrative functions at a facility under their control. Concerns are affiliates of each other when, either directly or indirectly:
 - I. One concern controls or has the power to control the other; or
 - II. A third party or parties’ control or can control both; or
 - III. An identity of interest between or among parties exists such that affiliation may be found.
- C. The Protégé must be evaluated by a Tollway Technical Assistance program provider. During the evaluation, a Needs Assessment and Technical Assistance Plan will be created.

- D. The Protégé must then apply to the Partnering for Growth – Construction Emerging Technology Program through the Technical Assistance Program by completing a P4G-Application.
- E. The Protégé may be given opportunities to meet likely Mentor firms and determine if a mutually beneficial relationship and development plan/agreement can be created per Section VI. Partnering for Growth – Construction Portal via Technical Assistance Programs.
- F. Protégés must perform their due diligence in assessing a potential Mentor before entering into a Partnering for Growth – Construction Emerging Technology Agreement. The Tollway does not endorse any firm or direct a potential Protégé to partner with any particular firm.
- G. The Protégé and/or the firm's CEO/President/Managing Member must have at least three (3) working years of experience in the highway construction industry or other construction industry that is applicable or related to work being contracted by the Illinois Tollway, as determined by the Illinois Tollway.
- H. Protégés must specify the lead individual responsible for implementing the relationship as identified in the Protégé application.
- I. Participation in this Partnering for Growth - Construction Emerging Technology Program does not guarantee or provide incentives for any work with the Mentor or other construction firm on Tollway or any other contracts.
- J. The Protégé, together with the Mentor, will develop a Protégé Plan and Agreement that will set forth the goals they will accomplish over the term of the relationship, including metrics and milestones, which will be subject to Tollway approval.

III. Mentor Requirements

- A. A potential Mentor firm should have demonstrated experience with the applicable emerging technology they are mentoring. The Illinois Tollway will review on a case-by-case basis.
- B. A potential Mentor must have at least one successful construction contract as a prime contractor with the emerging technology they are mentoring.
- C. The Mentor shall be a reputable firm in good standing with the State of Illinois and the Tollway and not currently debarred or suspended from doing business with any government entity in any state.
- D. Applications to be a Mentor will be assessed and managed through the Tollway Technical Assistance programs and Tollway staff.
- E. Mentors participating in the Partnering for Growth – Construction Emerging Technologies program must be independent business entities not affiliated with the Protégé as outlined in 49 CFR Part 26. Concerns are affiliates of each other when, either directly or indirectly:
 - i. One concern controls or has the power to control the other; or
 - ii. A third party or parties' controls or can control both; or
 - iii. An identity of interest between or among parties exists such that affiliation may be found.

- F. Mentors must perform their own due diligence in assessing a Protégé before entering into an agreement. The Tollway does not endorse any particular firm or direct a Mentor to partner with any specific firm.
- G. Mentors may, at their discretion, utilize the Protégé as a subcontractor on Tollway and non-Tollway construction contracts during the term of the P4G relationship. However, this working relationship is not a requirement of the program, and no incentive is given for utilizing the Protégé as a subcontractor.
- H. Mentors must specify the lead individual responsible for implementing the relationship identified in the Mentor application.
- I. Mentors must make a sincere commitment to the relationship and abide by the time/meeting commitment specified in the agreement.
- J. The Mentor, together with the Protégé, will develop a Protégé Plan and Agreement that will set forth the goals they will accomplish over the term of the relationship, including metrics and milestones, which will be subject to Tollway approval.

IV. Partnering for Growth – Emerging Technology Program and Tollway Technical Assistance Programs

Any technical assistance program may recommend a firm as a potential Protégé. With that recommendation, the firm must apply to be a Protégé through a TA provider.

Definition and responsibilities of a Partnering for Growth – Construction Emerging Technologies Portal of the Tollway Technical Assistance Agency:

- A. Seek out, cultivate and share potential mentor relationships and provide regular networking opportunities
- B. Mentor application review and entry into the program
- C. Protégé application review and assessment/planning if applicable
- D. Protégé additional technical assistance/business development as needed
- E. Provide opportunities for potential Protégés to meet potential Mentor firms and facilitate determination of whether a mutually beneficial relationship and protégé development plan/agreement can be created per Section VI. Partnering for Growth – Construction Emerging Technologies via Technical Assistance Programs.
- F. Create a Protégé Development Plan and a Partnering for Growth Agreement with the assistance of Tollway P4G Coordinators.
- G. Monitor and report Partnering for Growth relationships throughout the life of the Protégé Plan and Agreement
- H. Interface with the Tollway's Partnering for Growth – Diversity Team.
- I. Follow up with Mentors and Protégés after completion of the relationship
- J. The Tollway makes no warranty as to a Protégé firm's fitness and ability to perform work.

V. Procedure for Participating in Program

- A. The potential Protégé may be introduced to Mentor firms that can provide guidance on fulfilling specific objectives of the plan.
- B. A draft Protégé Plan and Agreement will be developed as explained in Section VI.
- C. The proposed relationship and draft Agreement will be submitted to the Tollway Diversity Team for review.
- D. Upon approval of the match and draft Agreement, the Mentor and Protégé, under the guidance of the Tollway Technical Assistance provider and Tollway staff, will develop and execute the final agreement for review.
- E. the final agreement will not be effective until reviewed and approved by the Tollway Diversity Team.
- F. Quarterly and final written assessments and reviews of the relationship's progress will occur.
- G. The Tollway Diversity Team will review all quarterly and final reports and recommend releasing Partnering for Growth – Construction Emerging Technologies bid credits as applicable.

VI. Partnering for Growth – Construction Emerging Technology Agreement

The Partnering for Growth – Construction Emerging Technology Agreement must incorporate these Guidelines by reference.

- A. The Partnering for Growth – Construction Emerging Technology Agreement should, at a minimum:
 - I. Clearly set forth the objectives and roles of the Mentor and Protégé based on the Protégé Development Plan
 - II. Clearly set forth the time commitment and meeting schedule for the Mentor and Protégé
 - III. Identify individual parties within each firm responsible for the relationship
 - IV. If resources of the Mentor are utilized by the Protégé in seeking credit during the performance of Tollway contracts or subcontracts for the Mentor or for another contractor, the resources must be separately identified, accounted for, and compensated directly by the Protégé to the Mentor. If the plan provides for extensive use of the Mentor's resources by the Protégé, the arrangement will be closely scrutinized for the presence of a commercially useful function
 - V. Include termination and conflict resolution provisions
 - VI. Describe training to be provided by the Mentor to the Protégé
 - VII. Reference training/support from other areas, such as Tollway Technical Assistance

- B. The Partnering for Growth – Construction Emerging Technology Agreement should, at a minimum:
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 - II. Clearly set forth the time commitment and meeting schedule for the Mentor and Protégé
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 - IV. If resources of the Mentor are utilized by the Protégé in seeking credit during the performance of Tollway contracts or subcontracts for the Mentor or for another contractor, the resources must be separately identified, accounted for, and compensated directly by the Protégé to the Mentor. If the plan provides for extensive use of the Mentor's resources by the Protégé, the arrangement will be closely scrutinized for the presence of a commercially useful function
 - V. Include termination and conflict resolution provisions
 - VI. Describe training to be provided by the Mentor to the Protégé
 - VII. Reference training/support from other areas, such as Tollway Technical Assistance

- C. The types of assistance that a Mentor may provide a Protégé will be related to the selected emerging tech project. They will be outlined by the Emerging Technology agreement
- D. If a subcontracting relationship is implemented for any Tollway or non-Tollway contract during the relationship term, this relationship must be reported and tracked through quarterly and final reports.
- E. The Mentor may provide, in limited instances, equipment if a written lease or rental agreement covers the equipment and/or skilled personnel if the personnel are on the payroll and under the direct supervision of the Protégé.
- F. Any property, equipment, supplies, or other services that are sold, rented, or donated to the Protégé must be detailed in the Protégé Development Plan and approved by the Tollway and should be further covered by bills of sale, lease agreements, etc.
- G. Any financial investment and security arrangements by the Mentor for the Protégé are subject to approval by the Tollway. They must not permit the Mentor to assume control of the Protégé.
- H. The Partnering for Growth – Construction - Emerging Technology relationship shall be between 3 months to 1 year in duration but may not exceed twelve (12) months in duration.

VII. Mentor and Protege Incentives: Partnering for Growth Construction –Emerging Technology Bid Credits

A contractor or subcontractor performing as a Mentor or Protege in an approved Partnering for Growth relationship can earn bid credits to be used toward future Tollway construction bids per the most recent version of the Illinois Tollway Special Provision for Bid Credit Incentive

Program and the Operational Guide for Partnering for Growth –Bid Credit Incentive Program.

A bidder can apply its bid credits to lower its bid amount and increase the chances of winning a contract as the low bidder. Bid credits earned via the Earned Credit Program (ECP) or any other approved Tollway bid credit program may be used up to a maximum bid credit cap as stated in the bid documents for each project.

VII. Partnering for Growth

The Partnering for Growth – Construction Emerging Technology Program shall be administered by the Tollway Diversity Team.

- A. The Diversity Team will evaluate the Mentor- Protégé relationship quarterly and at the conclusion, assess the following criteria:
 - I. Satisfactory progress toward the stated goals of the Agreement and Protégé Development Plan;
 - II. Improved competency of the Protégé in specific aspects of the emerging technology.
- B. The Diversity Team shall require the parties to maintain monthly meeting logs and submit quarterly reports, indicating the status of their progress toward each of the Agreement's stated goals.
- C. The success of the Partnering for Growth – Construction relationship will be measured by a system of metrics designed to coincide with milestones outlined in the Mentor- Protégé Agreement. Quarterly reports will include a review of measurable progress (milestones) on the following:
 - I. Identification of specific assistance provided by Mentor to Protégé.
 - II. Listing of initiatives accomplished – consistent with goals outlined in the
 - III. Partnering for Growth – Construction Agreement.
 - IV. Listing of milestones reached to date, as well as milestones behind schedule (and reasons).
 - V. Listing of regularly scheduled Mentor and Protégé meetings and outcomes.
 - VI. Listing of targets set for improvement.
- D. The Diversity Team will consider releasing any Partnering for Growth Construction – Emerging Technology bid credits to the Mentor and Protege that results from the evaluation and approval of a submitted quarterly report.
- E. If the Committee determines that the Program Guidelines or the spirit thereof are not being adhered to by the parties or that satisfactory progress is not being made, the Committee reserves the right to revoke its approval of the relationship. Reasonable progress will be expected, though this will vary according to each plan.

- F. Program participants agree that interpretation of the Guidelines and P4G incentive credit award shall rest with the Partnering for Growth – Diversity Team. Parties may feel free (and in fact are encouraged) to ask questions about any provisions they do not understand. If both participants so desire, they may jointly appeal any adverse Diversity Team decisions to the Tollway's Chief of Diversity and Strategic Development. These requests shall be inwriting. The Chief's determination shall be final.

VIII. Term of Relationship

If a Mentor and Protégé wish to enter into a subsequent Partnering for Growth – Construction relationship, the request will be considered by the P4G- Construction Diversity Team on a case-by-case basis.