

THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY

June 16, 2020

CONSTRUCTION BULLETIN No. 20-02

SUBJECT: Contract Compliance Reporting Instructions

In June of 2019 with Construction Bulletin 19-02, Contractors and Construction Managers were directed to utilize the Illinois Tollway's Diversity compliance software, B2GNow, to report Diversity Payments. The Diversity Payment Report instructions are summarized below. The website for the Illinois Tollway's Diversity compliance software can be found at:

<https://iltollway.diversitysoftware.com/>

B2GNow is a cloud-based software system that allows for real-time payment data collection and improves the tracking and analysis of compliance data. The system is accessible from any computer or operating system, and may be used anywhere there is an internet connection. Both Diverse and Non-Diverse Firms are required to be setup in and reported on in the B2GNow system. The following revisions are to be incorporated with the B2GNow software:

- Payments to prime contractors by the Tollway are automatically transferred into the B2gNow system no later than the 8th of the month for the prior audit period/month. Prime contractors have until the 15th of the month to report payments they made to their subcontractors; and subcontractors have until the 25th of the month to confirm payments the prime contractors reported for them.
- Trailing Lien Waivers: contractor and subcontractor waivers of lien will be allowed to trail for a maximum of sixty (60) days if necessary. Otherwise waivers of lien and sworn statements are submitted with each pay estimate or retainage release request through the B2GNow system.
- DBE Trucking Reporting and Verification Form 2024 will be incorporated into the regular B2GNow subcontractor reporting process. This form will therefore be eliminated.
- ISTHA DBE Final Payment Report Form 2115: This form will be eliminated in both paper and electronic forms and replaced with partial and final waivers of lien and sworn statements. Therefore, Tollway contractors and subcontractors will now be required to submit partial lien waivers for all pay estimate and retainage payment applications prior to contract completion, and final waivers of lien and sworn statements for final pay estimate and final retainage requests.
- Partial and final lien waivers and sworn statements in support of pay estimates and retainage release requests will be uploaded through the B2GNow system, eliminating the need for the submission of paper copies of these documents.

The above noted changes effect Articles 109.07 and 109.08 of the Illinois Tollway Supplemental Specification. A new Special provision titled Contract Compliance will modify the Articles noted above and will be inserted into all new contracts. The above noted changes are described in the Illinois Tollway Construction Manual Section 3.3.1.3.2 and Section 4.4.9.6.

The Capture System will be eliminated and replaced with LCPTracker system. LCPTracker allows for certified payroll data collection and improves the tracking and analysis of compliance data. The following Diversity Reporting revisions have been incorporated with the LCPTracker system software:

- Payroll reporting in the LCPTracker system will be required weekly, once the contractor starts working on its scope of work. There must be no gaps between weeks. For weeks in which the contractor did not work, a “no work performed” report must be submitted to avoid gaps between reports. All Tollway contractors and subcontractors will be provided training on the LCPTracker system.
- Contracts that are 90% completed will utilize the legacy system (this should include those closing by August 31st). Contractors have been notified which contracts will be in legacy and which they will begin to record in the LCPTracker system.
- Tollway contractors and subcontractors will report all EEO and State of Illinois prevailing wage payrolls in the LCPTracker system. Workforce Reporting Worksheet Form EEO 0003 will be eliminated. EEO hires and payroll information will now be reported in the Tollway’s LCPTracker system.
- Tollway contractors and subcontractors are **required** to meet their EEO commitments. Contractors and subcontractors should contact the Diversity Department if they experience challenges in hiring minorities and women, as part of meeting the EEO hiring/work hour requirements.

The above noted changes effect Article 107.1 of the Illinois Tollway Supplemental Specification. A new Special provision titled Contract Compliance will modify the Article noted above and will be inserted into all new contracts. The above noted changes are described in the Illinois Tollway Construction Manual Section 1.3, 3.3.1.3.2, 4.4.9.6, 5.3 and the Contractors Invoicing Forms Pay Estimate checklist, which are attached for your information.

Announcements:

The subcontractor pay check date should be indicated as the payment date in the B2GNow system and checks to subcontractors should be posted in the month in which they are generated. Prime contractors should notate any challenges they encounter in getting subcontractors paid in a timely manner due to noncompliance or other issues.

The Contract Compliance team will resume its unannounced Site Visits to the Tollway’s construction projects. The cooperation and support of prime contractors and their subcontractors during these visits is expected.

The Contract Compliance team continues auditing the B2GNow system going back to 2012 to ensure that the system contains accurate and complete payment data for DBE, BEP, VET participation compliance requirements. To help update these data in the system for older contracts, Contract Compliance will need partial and final waivers of lien or canceled checks for each payment. Contractors who are unable to provide these may provide copies of their final lien waivers/sworn statements with the check registers showing those payments

Prime Contractors can review the Compliance Audit and Compliance Audit Summary Lists for outstanding subcontractor audits. Copies of these reports can be obtained directly from your assigned Contact Compliance Analyst. It should be noted the prime contractor audit summary report only provides the outstanding audits of the prime itself, not those of its subcontractors.

DBE@getipass.com and eeo0003@getipass.com emails are eliminated and replaced with the contractcompliance@getipass.com email account.

Direct questions and any compliance related challenges to Shelly Jones sjones@getipass.com and the contractcompliance@getipass.com email and include the contract number. Individual team members have already been identified by contract. This will work the same way in LCPtracker.

The attached documents in order:

Illinois Tollway Construction Manual Section 1.3

Illinois Tollway Construction Manual Section 3.3.1.3.2

Illinois Tollway Construction Manual Section 4.4.9.6

Illinois Tollway Construction Manual Section 5.3

Contractors Invoicing Forms Pay Estimate checklist



Paul Kovacs (Jun 16, 2020 18:44 CDT)

Paul D. Kovacs, P.E.
Chief Engineering Officer

06/16/2020

Date



Angela Arrington-Jones (Jun 16, 2020 18:11 CDT)

Angela Arrington-Jones
Chief of Contract Compliance

06/16/2020

Date

WIM	Weigh In Motion
WMA	Warm Mix Asphalt

1.2.1.1

1.3 Definitions

The definitions provided are in addition to the definitions listed in the Definition of Terms, Illinois Tollway Supplemental Specifications Article 101 latest edition as referenced by the contract documents. Whenever this manual uses the following terms, their intent and meaning shall be as follows:

Aggregates Certification Program: The Illinois Tollway's system for evaluating aggregate sources and materials that are not reviewed and approved in the IDOT Aggregate Gradation Control System.

Authorization to Proceed (ATP): Approved document/process to proceed with additional and/or changed contract work PRIOR to the processing of the corresponding Change Order/Extra Work Order.

B2GNow: Is a vendor payment management program in which the Illinois Tollway's Diversity Department uses to monitor status of payments to DBEs.

Capital Program Processes and Procedures: ISO format document procedures determined by the Illinois Tollway to be followed in each project. Earlier versions were called Project Management Procedures and Congestion Relief Plan.

CENTRALSYS: The only Illinois Tollway administered database application for tracking pay estimates, Change Orders (CO), and Extra Work Orders (EWO) for all Illinois Tollway projects. FieldSys supplements CENTRALSYS with a specific project's payment documentations.

Checklist, Construction Inspector's: The lists derived from the Illinois Tollway Special Provisions and Supplemental Specifications. IDOT Standard Specifications are used to verify essential items of the work to meet contractual requirements. The checklists are in no way intended to serve as a substitute or waiver of any provisions of the contract. They may be modified by the contractor to meet project requirements.

Checklist: Documented lists used to verify essential items of the work as to meet contractual requirements.

Checklists, CQP: The Contractor or Consultant Quality Program guidelines used to determine if the contractor or consultant is fulfilling the requirements of the Capital Program and Procedures P6000 procedure and their approved CQP plans.

Chief Engineering Officer: The individual responsible for the Engineering Division of the Illinois Tollway.

Chicago Region Environmental and Transportation Efficiency Program (CREATE): Public-private partnership to address freight, commuter, and intercity passenger rail congestion in the Chicago area.

of completing the normal design-bid-construct cycle for each project. Contractors competitively bid an adjustment factor to be applied to a catalog of construction tasks with pre-set unit prices. The overall contract amount (the sum of the individual projects that may be performed) is expressed as a range in dollar volume for example from \$50,000 to \$1,000,000. The contractor will be asked to perform a series of projects one after the other. The price for each project will be the pre-set unit prices multiplied by the quantity multiplied by the competitively bid adjustment factor.

LPCtracker: The Tollways stand-alone software application available on the Illinois Tollway website allowing the contractor and subcontractors to electronically report all EEO and State of Illinois prevailing wage requirements.

Materials Coordinator(s): The member of CM staff responsible for the management of QC/QA functions as well as any soil, aggregate, concrete, asphalt and manufactured materials to determine whether or not it is being produced and constructed in compliance with the Contract.

Method of Material Acceptance: Means of determining whether material supplied is in conformance with specifications. See the materials acceptance list in Appendix C.

Milestone Acceptance: Is a process that is managed through the WBPM system. It is the contractor responsibility to initiate this process.

National Pollutant Discharge Elimination System (NPDES): A provision of the Clean Water Act that prohibits discharge of pollutants into the waters of the United States unless a special permit is issued by the Environmental Protection Agency (EPA), a state or other designated regional agency.

Non-Compliance: Failure to comply with written contract documents, directives, standard requirements, or government rules and regulations.

Non-Conformance: A failure to fulfill contractual requirements, which renders the quality of a process or work product unacceptable or indeterminate in regard to meeting all relevant contract requirements.

Non-Conformance Report (NCR): Process developed in the WBPM system to document non-conforming actions, non-conforming work, and acceptable corrective action.

Notice of Award (NOA): A written notice from the Illinois Tollway to the apparent successful bidder that the Illinois Tollway is planning to award the Contract to that bidder. This notice will also establish the times and dates for contract and pre-construction meeting.

Notice of Intent (NOI): Notification to the IEPA of a planned discharge for which coverage under the ILR10 general permit is needed and contains information about the planned discharge. The NOI serves as notice to the IEPA that the Illinois Tollway intends for the discharge to be authorized under the terms and conditions of the general permit and by signing and submitting the NOI, the Illinois Tollway certifies that the discharge meets all of the eligibility conditions specified in the general permit and indicates the intent to follow the terms and conditions of the permit.

Notice to Proceed (NTP): A written or telegraphic notice from the Chief of Contract Services to the Contractor that will be issued after the Board has approved the Contract, which notice

electricity, telephone, internet, reproducing equipment, and sanitary facilities will be furnished by the Contractor as an item of the work if and as specified in the construction contract.

An electronic copy of any permits and/or agreements secured by the Illinois Tollway and uploaded to the WBPM system.

An electronic copy of the Project INVEST Tracking Form-95D and Project INVEST Scorecard-95D.

An electronic copy of the Right-of-way plats and/or strip maps applicable to the construction section which supplement the plans and specifications.

An electronic copy of the Illinois Tollway's bid and meeting calendar for the current year which is also located on the Illinois Tollway website.

Electronic Data Files shall be furnished by the DSE through the PM.

3.3.1.3.2 Diversity Program Documents

Diversity Reporting forms as displayed on the Illinois Tollway website or the WBPM system:

Prime contractor's approved Disadvantaged Business Enterprise (DBE) and Veteran Owned Small Business (VOSB) Utilization Plans, if applicable, to be uploaded by Tollway Diversity.

[DBE/VOSB Forms, if applicable, shall be submitted to the Tollway's B2GNow system:](#)

- [2024, 2025, 2026 Trucking Reporting and Verification](#)
- B2GNow Monthly Payment Report

[Equal Employment Opportunity \(EEO\) Form 0003 have been eliminated and replaced with contractcompliance@getipass.com](#)

List of Recommended EEO Posters for Job Site Trailers.

Earned Credit Program (ECP) Brochure and Flyer.

Capture User Manual.

3.3.1.3.3 Designer of Record Documents

One electronic copy of the following prepared by the Designer of Record:

Design Calculations

Quantity Calculations

- Precast structural units (e.g., beams, deck planks)
- Fabricated sign trusses
- Mast arms
- Items impacted by a regional or statewide shortage
- Groups of items common except for type or size (e.g., pipe for culverts or storm sewers)

4.4.9.5 Semi-Final Payment Estimate

A Semi-Final Pay Estimate may be prepared if it is:

Requested in writing by the Contractor.

Reviewed and recommended by the CM.

Authorized by the Illinois Tollway.

In the event the Illinois Tollway authorizes preparation of a Semi-Final Pay Estimate, the CM shall prepare said estimate in accordance with the provisions of the Illinois Tollway Supplemental Specifications, Article 109.07 along with a Request for Partial Release of Retainage Below 5% of the Adjusted Contract Amount (Form A-34).

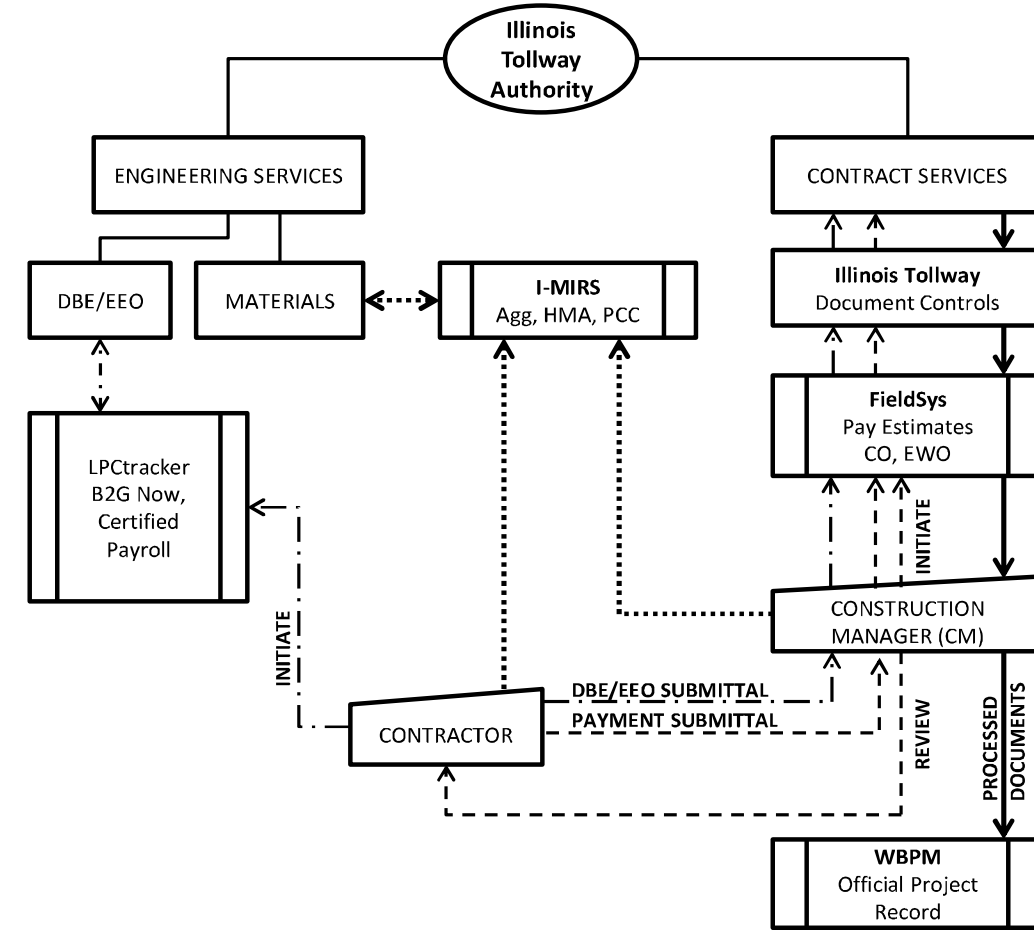
The Semi-Final Pay Estimate, accompanied by fully executed copies of a Request for Partial Release of Retainage Below 5% of the Adjusted Contract Amount (A-34) form, will be submitted via the WBPM system to all of the required parties for review. The Illinois Tollway Executive Director is the final approver of the Reduction of Retainage.

4.4.9.6 Final Payment Estimate

Upon completion of the work, execution of the A-4 Form, and balancing of final quantities a final pay estimate shall be submitted, together with a list of remaining required forms or certifications required, pursuant to the provisions of the Illinois Tollway Supplemental Specifications, Article 109.08. Diversity is to be advised of the final release of retention (Final Pay Estimate submittal), and the CM shall ensure required Diversity reporting by the prime contractor via [the forms](#) and related correspondence or any other reporting as may be included in any subsequent Special Provisions. This reporting shall be submitted through WBPM system and final analysis by Diversity of diverse program performance.

Before the final pay estimate is prepared, the CM must finalize all contract quantities and shall update and advise the Illinois Tollway of any and all outstanding claims or requests for extensions of time by the Contractor, and where applicable, update and advise the Illinois Tollway of liquidated damages assessed to the Contractor, in accordance with the Illinois Tollway Supplemental Specifications, Article 108.09.

5.3 Exhibit 3: Coordination of Illinois Tollway Software Applications



Line Legend	
•DBE / EEOC	- . - . - .
•Materials	- - - - -
•Contractor Services
•Processed Documents	—————



Pay Estimate Checklist

(Complete and attach with each Pay Estimate)

Contract No.			
Prime Contractor			
Construction Manager			
Tollway Project Manager			
Pay Estimate No.			
Period		Through	

Pay Estimate

- Hard Copy Printout of Pay Estimate (*Submit to Document Control Manager*)
- Pay Estimate in FieldSys Uploaded to Tollway Contract Services

Summary of Material in Storage (A-31)

- Included* Not Included

*Include Material Storage Sheet printed from Fieldsys

Diversity Forms

- EEO Forms – required for all construction projects
- Small Business Set Aside Project – no DBE or Vet forms required

	DBE/VOSB 2115 - FINAL PAYMENT REPORT	DBE/VOSB IN-PROCESS PAYMENTS	EEO 0003	PERIOD COVERED
All Pay Estimates		<input type="checkbox"/> Filed in B2GNow, with monthly report uploaded in Ebuilder by Diversity - no hard copy	<input type="checkbox"/> Filed in Capture - no hard copy	All diverse payments and EEO data must be updated monthly
Final Pay Estimate	<input type="checkbox"/> Construction - required unless previously submitted			Final Pay Estimate
	JOC - not required			

Contractors have 30 days from the end of the month to:

- Submit EEO information for the prime and all subcontractors working during that month
- Submit payment information for all subcontractors paid during that month

CM Review Affidavit (unsigned forms will not be accepted)

By signing below, I certify:

- The Diversity Compliance Audit Summary Report, posted monthly in Diversity Folder 18 of Ebuilder for this contract, has been reviewed and shows adequate ongoing participation.
- The EEO 0003 reports for the most recent completed month have been entered by the Contractor in Capture.

Signature: Date:
 (Signature of Authorized Construction Manager Representative)

Name: Title:
 (Full Name of Person Signing Checklist Above) (Title of Person Signing Checklist)

Email Address: Telephone:
 (Email Address of Person Signing Checklist Above) (Telephone # of Person Signing Checklist)