

# **New York State Enhanced MWBE Mentor-Protégé Program (EMPP)**

## **Program Concept Paper – September 2025**

### **Program Purpose**

The NYS Enhanced MWBE Mentor-Protégé Program (EMPP) is designed to strengthen the capacity, competitiveness, and sustainability of certified MWBE firms by connecting them with experienced prime contractors, consultants, or developers (“Mentors”) who can provide guidance, support, and opportunities for real-time growth.

The EMPP will be aligned with the state’s overall MWBE goals and be administered by the MTA in partnership and with the oversight and approval of the NYS Division of Minority and Women’s Business Development (DMWBD).

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### **Program Goals**

- Facilitate long-term business relationships between established firms and MWBEs.
- Improve MWBEs’ technical, financial, and managerial capabilities – securing access to back-office training, enhancing their expertise in bidding and estimating, project management, finance and operations.
- Increase MWBE participation in public and private sector contracting with an emphasis on those firms which have had no or limited opportunity for MTA contracting engagement.
- Support MWBEs in scaling operations to compete independently for prime contracts.
- Secure the MWBEs understanding of state and federal regulations and compliance requirements.

### **Incentives for Mentors**

- Potential bid evaluation credits for active EMPP participation (subject to procurement law).
- Validated expenses related to Mentor participation via training and/or other direct costs may be counted towards a proportionate share of MWBE utilization goals.
- Public recognition as a preferred diversity partner.

### **Eligibility Criteria**

#### *Program Requirements*

- Firms applying to be a Protégé in the EMPP must be independent business entities that meet eligibility requirements.
- The Mentor cannot be responsible for managing the Protégé. Administrative functions must be performed by personnel responsible to or employed by the Protégé at locations under its control.
- The Protégé must perform a Commercially Useful Function (CUF) in the performance of any contract with the Mentor.
- The Mentor and the Protégé may form a joint venture to bid on contracts subject to normal joint venture approval requirements.
- Once Protégés have completed two distinct/unrelated contracts under the EMPP, they will be deemed ineligible for future program participation.
  - Protégés who are engaged in EMPP based on lack of prior engagement with the Mentor Prime firm can only utilize the program benefits for one (1) contract.

### *Training Requirements*

Proposed training should be reflective of the goals outlined in the EMPP workplan between the mentor and protégé and are subject to approval by the MTA. Training activities may include, but are not limited to:

- assistance and training in general business management; financial management, engineering, safety, and technical matters
- bonding assistance or bonding waivers
- joint venture arrangements
- the interpretation of plans and specifications
- the use and maintenance of equipment
- the preparation of work product for a client
- the use of the Mentor's proprietary products or processes
- industry-specific marketing or business development
- use of Mentor's facilities or equipment
- Business Plan Development
- any other assistance as determined by the chief executive officer of the agency, department or authority

### *Protégés*

- Must be NYS-certified MWBE firms.
- Have been in business for at least 2 years.
- Have not been engaged on prime or subcontracting opportunities with the MTA within the past five (5) calendar years and/or have not performed on MTA prime or subcontracts larger than \$1,500,000 with identified Mentor Firm.
  - Firms that are current participants or graduates of the MTA's Small Business Mentoring Program (SBMP) and Empire State Development BGA program are exempt from this requirement.
- Demonstrate capacity to benefit from mentorship (e.g., staff, basic infrastructure, financials).
- Willingness to commit to a structured engagement throughout the life cycle of the subject contract.
- Must not have previously worked with the proposed Prime Mentor firm within the past five (5) calendar years.

### *Mentors*

- Must be established firms (prime contractors, consultants, developers) with:
  - At least 5 years of experience in the industry.
  - Demonstrated history of compliance with MWBE goals and state procurement requirements on MTA contracts.
  - Capacity to provide mentorship (staff, time, resources).

## **MTA EMPP Implementation Process**

### *Pre-Solicitation*

- The MTA's Construction and Development Department (C&D) will revise the respective boilerplate language to include the MTA EMPP requirements.
- C&D will submit a MWBE/SDVOB goal request for the contract and designate the contract for inclusion in the MTA EMPP.
- DDCC Contract Compliance (CC) will provide the appropriate MWBE/SDVOB goal with a list of eligible firms.

- DDCR will review the scope of work as part of its goal determination process and identify the relevant and required NAICS codes for subcontracting participation.
- Utilizing the NAICS codes, DDCR will pull a list of firms from the NYS MWBE Certification Directory and identify those firms that meet the eligibility criteria for Protégés.
- That list will be included with the bid package shared by the MTA for bid solicitation.

#### *Solicitation*

- C&D will solicit the contract with MTA Mentor/Protege Pilot requirements. A separate 15A1 and 15A4 form will be required for the *MTA EMPP* to identify:
  - The description of the pilot scope of work and dollar value.
  - The proposed pilot MWBE subcontractor(s) with respective subcontract dollar value.

#### *Post Bid Opening*

- C&D will review the pilot 15A1 and 15A4 utilization plan for responsiveness.
- DDCR will confirm engagement into the MTA EMPP and finalize appropriate goals proportionate to the value of the proposed Mentor/Protégé contract value.
- CC will approve the pilot 15A1 and 15A4 utilization plan once:
  - It is confirmed that the pilot subcontractor(s) have met the eligibility criteria and are certified for the scope of work.
  - The pilot subcontractor(s)'s respective subcontract dollar value are accurate.

#### *Contract Terms*

- *To be developed by the MTA*

#### *Post Award*

- CC will undertake the following compliance activities:
  - Secure and approve an executed EMPP Mentor - Protégé Agreement and Workplan
  - Add the pilot MWBE/SDVOB subcontractor(s) to B2G after the contract award.
  - Conduct site visits on the pilot MWBE subcontractor(s)
  - Conduct quarterly MTA EMPP evaluations with the prime contractor.
  - Submit a quarterly summary of the MTA EMPP activity to ESD which will include:
    - Prime contractor training provided to the pilot MWBE/SDVOB subcontractor(s)
    - Prime contractor's evaluation of the pilot MWBE/SDVOB subcontractor(s) work performed
    - The pilot MWBE/SDVOB subcontractor(s) payments to date
    - Any issues that should be noted.

#### *Waiver Guidelines*

- All full or partial EMPP waiver/exclusion requests for the purpose of removing partial or full value of the EMPP subcontractor(s) payments will require C&D project management concurrence, and DDCR and ESD approval.
- Waiver form developed by ESD to be utilized for all waiver/exclusion requests under the EMPP
- How to qualify/apply/document
- GFE due at 75% completion mark
- A waiver/exclusion request is not required to replace an EMPP subcontractor with another EMPP eligible subcontractor, but DDCR approval is required.

## Mentor-Protégé Agreements (MPAs)

Mentors and Protégés will jointly develop a *Mentorship Workplan*, which must be approved by the MTA and will include:

### Phase 1: Program Onboarding & Matching

Activity	Description	Responsible Party
Program Orientation	Introduce program expectations, reporting tools, and compliance framework.	MTA
Mentor-Protégé Matching	Match primes and MWBEs based on project pipeline, sector, and capacity needs.	MTA, Mentor, Protégé
Baseline Assessment	Jointly assess the protégé's capabilities and technical needs.	Mentor & Protégé
Develop Memorandum of Understanding (MOU)	Define goals, deliverables, milestones, and commitments.	Mentor, Protégé, MTA

### Phase 2: Capacity Building & Technical Assistance

Activity	Description	Responsible Party
Business Development	Strategic planning, certifications, bonding/insurance readiness.	Mentor
Technical Training	Project management, estimating, safety, compliance.	Mentor
Joint Bidding Strategy	Mentor assists protégé with bid preparation.	Mentor & Protégé
Site-Based Learning	Protégé engages in active projects under the mentor's supervision.	Mentor
Financial Management	Budgeting, cash flow, and capital access support.	Mentor
Compliance Education	MWBE law, prompt payment, goal setting workshops.	MTA, Mentor

### Phase 3: Monitoring & Progress Review

Activity	Description	Responsible Party	Timeline
Progress Reports	Document milestones, challenges, outcomes.	Mentor & Protégé	Quarterly
Site Visits & Reviews	On-site evaluation of projects and relationships.	MTA	Biannual
Midpoint Evaluation	Reassess goals and adjust workplan if needed.	MTA, Mentor, Protégé	Month 9
Mentor Roundtables	Share best practices and success stories.	MTA	Semi-annually

#### *Phase 4: Graduation & Post-Program Planning*

<b>Activity</b>	<b>Description</b>	<b>Responsible Party</b>
Final Program Evaluation	Review protégé growth and program outcomes.	MTA, DMWBD
Contracting Readiness Check	Assess protégé's readiness to prime or expand subcontracting.	Mentor
Business Development Plan	Finalize strategic pipeline and growth areas.	Protégé (with Mentor input)
Alumni Network Engagement	Post-program access to training, networking, and bid opportunities.	MTA

#### **Key Program Performance Metrics**

<b>Category</b>	<b>Indicators</b>
Capacity Building	Training completed; certifications earned
Contracting Outcomes	Number and value of new contracts/subcontracts awarded
Business Expansion	Increase in employees, bonding capacity, or service lines
Financial Improvements	Improved capital access, cash flow, financial systems
Participation & Retention	% of protégés completing full program

#### **Program Launch Phases**

##### *Phase 1: Pilot (2026–2027)*

- Focus on infrastructure, transportation, and construction sectors.
- Identify two (2) MTA contracts to include in pilot.
- Program evaluation at 12 months.

##### *Phase 2: Expansion (2027–2029)*

- Broaden to other sectors (e.g., IT, professional services).
- Formal inclusion in state procurements as a best practice.
- Legislative options explored for permanency and incentives.

# NEW YORK STATE MWBE ENHANCED MENTOR-PROTÉGÉ AGREEMENT

This Agreement is entered into by and between:

Mentor Firm: [Insert Mentor Firm Name] ("Mentor")

Protégé Firm: [Insert Protégé Firm Name] ("Protégé")

Effective Date: [Insert Date]

Program Duration: [12 or 24 months]

Facilitating Agency: Metropolitan Transit Authority (MTA)

## 1. Purpose

This agreement formalizes a mentor-protégé relationship under the NYS MWBE Enhanced Mentor-Protégé Program (EMPP) to support the growth, technical capacity, and project readiness of the Protégé firm in the construction industry. The Mentor agrees to provide structured guidance and practical experience as described herein.

## 2. Roles and Responsibilities

### Mentor Firm Shall:

- Provide technical assistance in construction project planning, estimating, scheduling, and execution.
- Offer access to project sites for hands-on training and subcontracting opportunities.
- Assist the Protégé in obtaining bonding, insurance, and safety certifications (e.g., OSHA).
- Support the Protégé in meeting MWBE compliance requirements on public construction contracts.
- Provide coaching on workforce development, hiring, and labor compliance (e.g., prevailing wage).
- Submit quarterly progress reports to the MTA.

### Protégé Firm Shall:

- Participate actively in mentor-led construction training and site visits.
- Pursue business and technical development goals outlined in the Work Plan.
- Provide necessary documentation to support bonding and compliance efforts.
- Attend all scheduled meetings, training, and check-ins with Mentor and the MTA.
- Submit requested updates and materials for quarterly progress reviews.

### 3. Goals and Work Plan

The Mentor and Protégé agree to the following initial goals. A detailed Work Plan is attached as Exhibit A.

Development Area	Goal	Target Date
Bonding Capacity	Increase bonding to \$___ for public works projects	[Insert Date]
Contract Participation	Secure 1–2 subcontracts on Mentor’s construction projects	[Insert Date]
Technical Training	Complete construction estimating and scheduling workshops	[Insert Date]
Compliance Training	Attend MWBE and labor law compliance sessions	[Insert Date]
Workforce Development	Hire qualified workers in compliance with NYS regulations	[Insert Date]

### 4. Confidentiality

Both parties agree to maintain confidentiality of proprietary business and financial information obtained during this partnership unless otherwise required by law.

### 5. Reporting and Oversight

Quarterly progress reports will be submitted to the MTA and will include updates on construction goals, challenges, and site-based activities. The MTA may conduct periodic site visits and evaluations.

### 6. Term and Termination

This agreement remains in effect for the full program term unless terminated in writing by either party with 30 days’ notice. The MTA reserves the right to terminate based on non-compliance.

### 7. Non-Binding Status

This document does not constitute a contract for goods or services. It reflects a good-faith commitment to mutual development within the NYS MWBE framework.

### 8. Signatures

#### Mentor Firm:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

#### Protégé Firm

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_