



DBE INDUSTRY UPDATE MEETING

NOVEMBER 10, 2025

DBE INTERIM FINAL RULE (IFR) – 10/3/2025

- [Federal Register :: Disadvantaged Business Enterprise Program and Disadvantaged Business Enterprise in Airport Concessions Program Implementation Modifications](#)
- Removes race- and sex-based presumptions from definitions of “socially and economically disadvantaged individual,” and instead provides that the owner of a DBE or ACDBE applicant must demonstrate on a case-by-case basis that the individual meets criteria listed in the IFR

DBE INTERIM FINAL RULE (IFR) – FAQ DOC

- https://www.transportation.gov/sites/dot.gov/files/DBE_IFR_FAQs.pdf
 - All program documents and goal setting processes must be updated and submitted for approval
 - Contracts with a DBE goal let and executed prior to 10/3 are not required to be modified, but the DBE participation cannot be counted
 - Termination of DBE commitments not allowed without NDDOTs prior written consent upon showing of good cause
 - Self-performing work and using a non-DBE instead are not good cause
 - If DBE loses certification in reevaluation process, that is considered good cause

DBE INTERIM FINAL RULE (IFR) – FAQ DOC

- DBE SPs in effect prior to 10/3 cannot be included in contracts on or after 10/3
 - DBE SPs must be updated/approved once UCP has completed reevaluation and adopted a new overall DBE goal prior to being included in contracts again
- Prompt payment still applies
- UCP only reevaluates firms in their jurisdiction of certification (ND based firms)
- Non-jurisdiction of certification firms required to reapply once they are reevaluated by their jurisdiction of cert.

DBE INTERIM FINAL RULE (IFR) – FAQ DOC

- UCPs cannot impose a deadline for submission of reevaluation documentation
- UCPs cannot decertify all DBEs without completing reevaluation process
 - Must provide identified firms (JOC) opportunity to submit documentation demonstrating DBE eligibility
- Firms decertified through reevaluation process may appeal the decision to USDOT
- Triennial DBE Goals must be updated after reevaluation process and submitted for approval

DBE INTERIM FINAL RULE (IFR) – FAQ DOC

- New Applications (once program is up and running again)
 - In-State: must follow application process same as before, but also include a personal narrative statement
 - USDOT to provide updated Uniform Application Form
 - Interstate: must provide letter of intent to be certified (identifying all UCPs in which the firm is certified), screen shot of JOC DBE Directory Listing, and DOE form
 - Recertification letter from JOC may be requested

NDDOT ACTIONS AS OF 11/10

- All interstate firms were decertified on 11/3
- All in-state firms were sent a Q&A in their certification record with a letter requesting a PN and PNW or to request withdrawal on 11/5
 - Request to withdrawal asked to be submitted by 12/31 if applicable (not required)
 - Project Solutions, Inc. available for technical assistance with Personal Narratives (contact info in letter)
- Meetings with various groups for understanding of requirements and shared resources

NDDOT ACTIONS AS OF 11/10

- Continued DBE Industry Update Meetings scheduled once per month to share updates on IFR process
- Continued DBE Newsletters once a month for DBE specific information (no ads)
- UCP documents, processes and meetings to prepare for the reevaluation process
- DBE website sections temporarily disabled
- Sign-in & Advertisement System temporarily disabled
- New applications, renewals and expansion applications temporarily disabled

VARIOUS INFORMATION

- DBEs must register as subcontractors, if not done so previously
 - DBE Certification superseded subcontractor registration
 - DBEs were not previously required to register
 - Because certifications are currently ineligible, DBEs that intend to work on NDDOT projects must register
 - Done in the same system as certification
- Amy out of office 11/20-11/28
 - Will have laptop and be answering emails periodically
 - Not available via phone
- Project Solutions, Inc. working on live virtual sessions to provide assistance with Personal Narratives
 - Will be recorded to view later if unable to attend live sessions

A wide-angle photograph of a winding asphalt road through a landscape of rolling hills. The hills are covered in green grass and some shrubs, with some areas showing exposed brown earth. A silver pickup truck is driving on the road in the foreground. In the background, more hills and a small body of water are visible under a clear sky.

QUESTIONS?

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