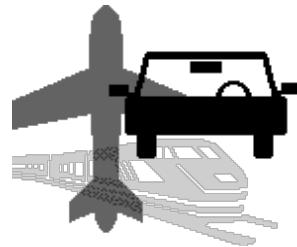




**DBE/ACDBE INTERIM FINAL RULE  
INFORMATION SESSION  
MARCH 24, 2026**

# Agenda

- > DBE/ACDBE Interim Final Rule (IFR) Overview – Ashanti Payne
- > Agency Contract Administration and Local Small Business Programs
  - > City of Minneapolis – Johnnie Burns
  - > Metropolitan Airports Commission – Jeffrey Weinhagen
  - > Metropolitan Council - DeLores Aguirre
  - > Minnesota Department of Transportation – Sean Skibbie
- > Reevaluation Process – Lee Nordstrom
- > Resources – Lee Nordstrom
- > Questions



# DBE/ACDBE IFR Overview

# IFR Release

- October 1, 2025, the US DOT posted a DBE Interim Final Rule (IFR) dated September 30, 2025, and IFR Guidance to the US DOT DBE Laws, Policy and Guidance website.
- October 3, 2025, the IFR was published to the Federal Register for 49 CFR Parts 23 and 26 (Airport Concessions DBE and DBE Program) 30-day comment period.
- October 25, 2025: USDOT issued DBE IFR FAQs
- November 3, 2025: public comment on the DBE Federal Register closed
- December 1, 2025: USDOT issued DBE IFR Revised FAQs
- March 19, 2026: MAMCO court case dismissed as moot.

# USDOT'S IFR

- Removes race- and sex-based presumptions from the definitions of "socially and economically disadvantaged individual."
- Applicants now have the burden of demonstrating, by a preponderance of the evidence, that they are socially and economically disadvantaged.
- MnUCP is required to reevaluate all current DBEs and ACDBEs to determine if firms meet new eligibility criteria.
- During the reevaluation, recipients may not:
  - Include DBE or ACDBE goals on projects.
  - Count any participation towards DBE or ACDBE goals.

# What happens after all DBE/ACDBEs are reevaluated?

- > Awaiting further guidance from USDOT on updated DBE Program
- > We do know from IFR:
  - IFR changes text from race-neutral and race-conscious to DBE-neutral and DBE-conscious
  - IFR removes all race, ethnicity, and gender data collection
  - IFR mentions change in disparity study formula and goal setting formulas

# Agency Contract Administration

# City of Minneapolis

- › Small and Disadvantaged Business Program – Different from DBE Program
- › Utilizing DBE Directory – Certified into SUBP Program
- › Continue to set goals on contracts – per City ordinance
- › City marketplace – Metro Counties
- › MBE/WBE list sent part of bidding documents
- › Currently reviewing program amendments – per disparity study
- › Any projects with Federal funding goals have been removed

# Metropolitan Airport Commission

- > While the DBE program is on hold, the MAC will continue to set Small Business goals for construction and concessions.
- > Contracts executed prior to October 3, 2025:
  - There have been no changes to contract terms, and all contracts remain as advertised
  - DBE terminations, substitutions, and reductions must still be approved by OCR.
- > The MAC does not have any federally funded contracts going out for bid for the remainder of 2025.

# MAC Small Business Program

## Who is eligible?

- > A firm certified in any of the following small business programs and is listed in the certification directory:
  - Targeted Group Business (TGB)/Economically Disadvantaged (ED)/Veteran-Owned (VO)
  - Disadvantaged Business Enterprises (DBE);
  - Central Certification Program (CERT).

### OR

- > A business determined by MAC's Civil Rights and Small Business Development Office as either an Emerging Small Business or a Small Business Enterprise.
  - **Emerging Small Business:** is defined as a firm (including affiliates) whose average gross receipts over the firm's previous five fiscal years do not exceed \$5 million.
  - **Small Business Enterprise:** a firm (including affiliates) whose average gross receipts over the firm's previous five fiscal years do not exceed \$10 million

### OR

- > A firm confirmed by MAC's Office of Civil Rights and Small Business Development to be a small business within the last 12 months.

# MSP ASCEND

- > MSP ASCEND is specific to MAC concessions opportunities.
- > Small businesses eligible for the MSP ASCEND program are defined as:
  - A business certified through the MAC's OCR whose gross receipts over the previous five fiscal years do not exceed \$56.42 million.
  - Any business already certified as an ACDBE participant.
- > Owner's Personal Net Worth cannot exceed \$2.047 million.
- > Verification/Certification is similar to DBE/ACDBE certification.
  - **Launch date December 1, 2025.**
- > The MAC is identifying opportunities for MSP ASCEND participants.

# Metropolitan Council

- As of October 3rd, projects with federal funding are not being reviewed for DBE goals due to IFR.
  - Projects are being advertised with no DBE goal.
  
- Contracts executed prior to October 3, 2025:
  - Contract terms remain as advertised.
  - DBE participation does not count towards goals during the MNUCP reevaluation process.
    - Notice sent to awarded vendors
  - DBE terminations, substitutions, and reductions must still be approved by OEEO.
  
- Contracts advertised before October 3rd, but not executed:
  - Per the IFR guidance issued by USDOT on October 24th, DBE goals that were assigned to these projects have been zeroed out.

# Metropolitan Council MCUB Program

- > MCUB Program - Not a separate Certification
  - OEEEO identified firms that were an MCUB only because of DBE certification and encouraged them to also obtain one of the other qualifying certifications below.
  - To be an MCUB, a firm must have at least one of the following certifications:
    - DBE (MN Based Only)
    - TG, Veteran or Service-Disabled Veteran through MN Dept. Of Admin.
    - CERT (MBE and WBE only) through City of St. Paul
- > MCUB Program Administration
  - Council updated program policy and procedures.
  - OEEEO is setting MCUB goals on projects.

# Minnesota Department of Transportation

## Projects with state funds:

- > Negotiated Maintenance Projects
  - Administered by the MnDOT Districts
  - Highway construction & maintenance projects
  - Under \$250,000
  - Obtain two quotes
  - [Small Business eLearning](#)
    - Learn the quoting and award process
  
- > Targeted Group Business & Veteran Program
  - Certification through MN Department of Administration
  - Administered by the MnDOT Office of Civil Rights
  - No changes to the MnDOT special provisions

# Minnesota Department of Transportation

- > Projects with federal funds:
- > Disadvantaged Business Enterprise Program
  - Certification through MnUCP
  - MnUCP is prioritizing the reevaluation process
- > Contracts complete prior to October 2:
  - Continuing same process for final clearance/project closeout

# Minnesota Department of Transportation

## Projects with federal funds continued:

- > Executed contracts signed on or after October 3 – completion of reevaluation process:
  - DBE-Neutral
  - DBEN documentation and Bidder/Quoter data required
  - No Good Faith Effort evaluations
  - No counting of DBE participation
  
- > Executed contracts signed on or before October 2:
  - Existing contracts remain valid
  - DBE terminations, substitutions, and reductions must still be approved by OCR
  - DBE participation under existing contracts cannot be counted toward goal attainment during reevaluation period

# Reevaluation Process

# Reevaluation Process

- > The reevaluation is conducted by the MnUCP member agencies
  - 944 firms
  
- > The MnUCP encourages current DBEs and ACDBEs to compete the reevaluation process.
  
- > Overview of the process
  - Template form has been created to help firms with the process
  - Agencies reached out to firms, via email, between Nov. 3 and Nov. 10

# Reevaluation Process

- > If you did not receive the email and form, please reach out to the agency that completed your initial certification
- > Agency contacts:
  - METC – [DBE@metc.state.mn.us](mailto:DBE@metc.state.mn.us)
  - MAC - [smallbusiness@mspmacc.org](mailto:smallbusiness@mspmacc.org)
  - MnDOT –  
[civilrightscertificationsubmissions.dot@state.mn.us](mailto:civilrightscertificationsubmissions.dot@state.mn.us)
  - City of MSP – [contractcompliance@minneapolismn.gov](mailto:contractcompliance@minneapolismn.gov)

# Reevaluation Forms Received

	Minneapolis	Met Council	MAC	MnDOT	Total
*Total Received	64	112	65	153	394
Opted Out	6	35	15	12	68
Certified	12	17	16	26	71

*\*Total Received includes reevaluations from multiple firm owners. It is not a distinct count of firms.*

# Reevaluations: Dec 5 Priority Window

- > DBE Interim Final Rule Revised FAQ, C. Certification Reevaluation, #13
  - A UCP can set a date by which currently certified DBEs should submit the required documentation. A UCP may notify DOT that its reevaluation process is complete after it completes its reevaluation of the firms that submit the necessary information by the UCP's submission date.
- > MnUCP priority window: December 5, 2025
- > **Firms can still submit their Reevaluation Form**

## Reevaluations Received by December 5, 2025

	Minneapolis	Met Council	MAC	MnDOT	Total
Reevaluations Received	36	82	63	131	312
Decisions	16	23	31	37	107

# Resources

# Personal Narrative Workshops

March 26  
12:30 p.m.

April 1  
3:00 p.m.

April 9  
(SADBOC)  
11 a.m.

April 15  
3:00 p.m.

# Personal Narrative 1-1 Sessions

- Free one-to-one support for MN small businesses:
  - Learn about the new DBE program requirements
  - Navigate personal narrative criteria
  - Answer your questions

# Personal Narrative 1-1 Session Providers

<b>APEX Accelerator</b>	<b>MnDOT Small Business Resource Center</b>	<b>Project Solutions Inc</b>
<p>Current clients: email APEX counselor directly</p> <p>New clients: sign up at Request Services</p> <p>Or visit: <a href="https://www.mn.gov/APEX-Accelerators">APEX Accelerators / Minnesota.gov</a></p>	<p>Email: <a href="mailto:SBRC@drbteam.com">SBRC@drbteam.com</a></p> <p>Call: 1-877-201-7212 or 651-461-0247</p>	<p><a href="#">Book your session</a></p>

# Resources

- > Read the [Interim Final Rule](#) closely
- > Read the [US DOT FAQs](#)
- > [MnUCP Webpage](#)
  - MnUCP FAQs
  - MnuCP Guidance when drafting a personal narrative
  - Information Sessions Presentations
- > Keep networking and promoting your businesses

# Q&A

- > What questions do you have?