

From: Colleen Torres <ctorres@acecindiana.org>

Date: October 3, 2025 at 10:37:13 AM EDT

Subject: ACEC ITT Leaders, INDOT Interim Final Rule 49 CFR Parts 23 and 26 Update

Dear Stakeholder,

On September 30, 2025, USDOT published an Interim Final Rule (IFR) that significantly changes the Disadvantaged Business Enterprise (DBE) and Airport Concessionaire (ACDBE) programs. The link to the USDOT website is located here: [DBE Laws, Policy, and Guidance | US Department of Transportation](#).

The IFR is effective immediately upon publication in the Federal Register. Publication in the Federal Register is scheduled to take place on October 3, 2025 as indicated here: [Federal Register :: Disadvantaged Business Enterprise Program and Disadvantaged Business Enterprise in Airport Concessions Program Implementation Modifications](#).

The key takeaways from the IFR are as follows:

1. Race and gender are removed as presumed qualifiers for social disadvantage in the DBE program. Instead, applicants must prove social disadvantage under the standard laid out in 49 CFR 26.67. The burden lies with the applicant. Economic standards remain in place. Applicants must prove BOTH social and economic disadvantage to be certified.
2. All current DBEs must reapply for certification. The reapplication process requires proof of social disadvantage under 49 CFR 26.67.
3. INDOT may not set DBE goals on any contracts while the reapplication process takes place.
4. There are changes to reporting requirements related to the removal of race and gender presumptions from the DBE program.

The immediate steps INDOT is taking to comply with the IFR are:

1. INDOT will work with USDOT/FHWA to develop timely guidance and support for the DBE community regarding implementation of the IFR.
2. The DBE Directory will be removed from the INDOT website until the reapplication process is complete.
3. INDOT will not set DBE goals on contracts during the reapplication process. The state M/W/V program administered through IDOA is not impacted by the IFR.
4. INDOT will not be accepting new DBE/ACDBE applications until the reapplication process is complete.

It will take some time to obtain guidance from USDOT, develop processes, and modify systems to ensure compliance with the IFR. INDOT will remain in communication with all stakeholders. If you have any questions, please send them in writing to boiinquiry@indot.in.gov.

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DBE Certification Does Not Expire

To maintain the integrity of the DBE program, ***CERTIFICATES ARE NO LONGER GIVEN***. If you would like to check the status of your DBE certification you can check to see if your company is listed in the DBE directory.

You can find the directory here: <https://entapps.indot.in.gov/DBELocator/>