

October 10, 2025

DISADVANTAGED BUSINESS ENTERPRISE (DBE) INTERIM FINAL RULE

The United States Department of Transportation (USDOT) issued an Interim Final Rule (IFR) on September 30, 2025. On October 3, 2025, the IFR was published in the Federal Register. The document contains extensive changes to the overall DBE Program as well as requirements to be met during the transition period. View the IFR online at <https://tinyurl.com/yu6hpe36> or by searching it on the Federal Register website. Below is the impact this will have on NDDOT's current and future projects:

- All previously certified DBEs are no longer certified. As of October 3, 2025, all existing DBE certifications with the North Dakota Unified Certification Program are no longer valid. Therefore, any DBE firms working on or committed to existing projects bid through NDDOT are now considered regular non-DBE subcontractors/suppliers.
- DBE requirements such as Form Cs, Replacement Approval Requests, Advertising/Sign-In, and other similar items cited in the DBE Special Provisions are no longer applicable and will not be required.
- All DBE Special Provisions and goals are removed from future project proposals until further notice.
- Commercially Useful Functions are not required until further notice.
- Prompt Pay requirements still apply. All tiers of contractors are required to report subcontractor and trucking firm payments in the Certification and Compliance System (B2Gnow) on all federal aid projects. As with payments to non-DBE suppliers, payments to DBE suppliers, manufacturers, or distributors are not required to be reported.
- Preference points for utilizing DBE firms have been removed from all future consultant RFPs until further notice.

NDDOT is in the process of updating the program to be in compliance with the IFR. The DBE Program will be updated and reactivated once all IFR requirements are met. Updated requirements will be enforced in the future. Further information will be provided as it is made available. If you have any questions, contact Amy Conklin, Civil Rights Program Manager II, at 701-328-3116 or aconklin@nd.gov



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