

Mike Sturino
Illinois Road and Transportation Builders Association

WisDOT Update on Federal DBE Interim Final Rule

To comply with the IFR, WisDOT may not set DBE goals on any new contracts while the recertification process takes place. WisDOT is working with the Federal Highway Administration (FHWA) Wisconsin Division to develop guidance and support for the DBE community regarding WisDOT's implementation of the IFR. It will take time to develop processes and modify systems to ensure WisDOT compliance with the IFR.

WisDOT will be reviewing WisDOT guidance and website content. During this review, guidance and information that is not compliant with the interim final rule will be removed or updated following based on WisDOT's established procedures for updating guidance and web content.

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USDOT published an Interim Final Rule (IFR) that significantly changes the Disadvantaged Business Enterprise (DBE) and Airport Concessionaire (ACDBE) programs. Existing contracts are not anticipated to be impacted. Future contracts will reflect the updated requirements. The IFR was effective upon publication in the Federal Register. Publication in the Federal Register occurred on October 3, 2025, [2025-19460 \(90 FR 47969\)](#).

The key takeaways from the IFR are as follows:

1. Race and sex are removed as presumed qualifiers for social and economic disadvantage in the DBE program. Applicants must prove BOTH social and economic disadvantage to be certified.
2. All current DBEs must reapply for certification.
3. WisDOT may not set DBE goals on any new contracts while the recertification process takes place.
4. There are changes to reporting requirements related to the removal of race and sex presumptions from the DBE program.

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

1. WisDOT will work with FHWA WI-Division to develop timely guidance and support for the DBE community regarding implementation of the IFR.
2. The DBE Directory will be removed from the WisDOT website until the recertification process is complete.
3. WisDOT will not set DBE goals on new contracts during the recertification process.
4. WisDOT will not be accepting new DBE/ACDBE applications until the recertification process is complete.

It will take some time to obtain guidance from USDOT and FHWA, develop processes, and modify systems to ensure compliance with the IFR. WisDOT will remain in communication with ACEC/Stakeholders.

WisDOT will not remove the DBE requirement from WisDOT Consultant Solicitation packages that included DBE goals and language specific to DBE utilization for future contracts. However, WisDOT is unable to enforce the advertised DBE goals for initial contract(s) resulting from solicitations pursuant to interim final rule (2025-19460 (90 FR 47969)). Following reestablishment of the federal DBE program requirement, WisDOT will issue federal DBE program requirements pursuant to the rule as required for contracts related to these solicitations.