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Manager & CEO

massDOT
Massachusetts Department of Transportation



PUBLIC NOTICE

To: Current and Prospective Contractors, Subcontractors, and Subrecipients on U.S. DOT-funded Contracts or Grants

From: MassDOT and the MBTA

Date: December 16, 2025

Re: Disadvantaged Business Enterprise Interim Final Rule, dated October 3, 2025

On October 3, 2025, the Trump Administration's U.S. Department of Transportation ("U.S. DOT") issued an Interim Final Rule ("IFR") making immediate changes to the regulation governing the longstanding federal Disadvantaged Business Enterprise ("DBE") Rule. While the IFR makes multiple changes to the DBE Rule, this notice focuses on three major changes that will immediately impact firms doing business with MassDOT and the MBTA.

First, the IFR removes race- and gender-based presumptions of social and economic disadvantage. As a result, each firm that applies for a DBE certification must demonstrate that they are socially and economically disadvantaged based on their own experiences and circumstances within American society, rather than based on their race or sex. As part of this change, the Trump Administration is requiring that the Massachusetts Unified Certification Program ("MassUCP"), the Commonwealth department responsible for certifying DBEs in Massachusetts, reevaluate all firms certified as DBEs on the date the IFR was issued under the amended DBE Rule. The MassUCP is developing a process to reevaluate these previously DBE certified firms and will be issuing guidance regarding the updated process as soon as possible.

With the other two major changes, the Trump Administration is preventing MassDOT and the MBTA from setting DBE contract goals on U.S. DOT-funded procurements and from enforcing DBE contract goals on existing contracts until the MassUCP completes the DBE certification reevaluation process. You do not need to take any further action at this time other than to suspend any reporting requirements you may have under your existing DBE participation provisions. Please note that the prompt payment (§ 26.29) and DBE termination (§ 26.53(f)) provisions continue to apply during the DBE certification reevaluation process. In addition, all other terms and requirements for contractors, subcontractors, and subrecipients on U.S. DOT-funded contracts or grants remain in full force and effect.

We understand the impact these changes imposed by the Trump Administration have on the contracting community and we are committed to providing support and guidance to

stakeholders. We also want to assure you that we remain steadfast in our commitment to ensuring that public funds are not used to further discriminatory practices. The IFR does not have any impact on MassDOT and the MBTA's ability to enforce nondiscrimination requirements and only impacts our federal DBE programs, not any programs administered by the Commonwealth's Supplier Diversity Office.