



COLORADO

Department of Transportation

Office of the Chief Engineer

Design Bulletin

Division of Project Support
Project Development Branch
Design Program

DBE Program - Interim Final Rule
2025 Number 3, Page 1 of 1
Date: October 15, 2025

Disadvantaged Business Enterprise (DBE) Program - Interim Final Rule (IFR)

On October 3, 2025, applicable to all federal-aid projects, the United States Department of Transportation (USDOT) published an IFR in the Federal Register modifying eligibility requirements. CDOT sent a letter to the Federal Highway Administration (FHWA) Colorado Division on October 13, 2025, to outline the steps that CDOT will take to conform to the direction of the IFR. This applies to all federal-aid projects including Local Agency projects with federal aid pass-through.

For federal-aid projects that have not yet been advertised, the project should not set any DBE goals until guidance is received from USDOT regarding the Unified Certification Program (UCP) and the reevaluation process of existing certified DBEs.

For federal-aid projects that are currently advertised, a revision under advertisement will be required to remove the DBE goals. Project Support is addressing the DBE modifications required for projects currently under advertisement and for projects being advertised. Contact kelly.tatman@state.co.us regarding any need for additional support.

For federal-aid projects where the proposal due date has passed or construction bids have been formally opened, the execution of the contract shall continue and CDOT will seek guidance from FHWA regarding enforcement.

For executed federal-aid contracts, please continue to enforce contract requirements pending further guidance from the FHWA.

Additional guidance can be found on the CDOT website and in the attached letter from CDOT to the FHWA.



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Department of Transportation
Office of the Chief Engineer

October 13, 2025

Mr. John Cater
FHWA Colorado Division Administrator
Federal Highway Administration
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228-2583

Re: Disadvantaged Business Enterprise (DBE) Program - Interim Final Rule (IFR)

Dear Mr. Cater,

The Colorado Department of Transportation (CDOT) is in receipt of the United States Department of Transportation (USDOT) letter regarding the Disadvantaged Business Enterprise (DBE) Program - Interim Final Rule (IFR) which was posted to the USDOT DBE website on September 30, 2025.

On October 3, 2025, the USDOT published an IFR in the Federal Register modifying the eligibility requirements for participation in the DBE program. Furthermore, the IFR mandates that all currently certified DBEs be reevaluated, and ultimately recertified, for continued program eligibility under these new requirements. 49 C.F.R. § 26.111.

Until additional guidance regarding the IFR is provided, CDOT will take the following steps to conform to the direction of the IFR.

Federal Aid Contracts

- For CDOT contracts that have not yet been advertised, CDOT will not set any DBE goals on projects until guidance is received from USDOT regarding the Unified Certification Program (UCP) and the reevaluation process of existing certified DBEs.
- For CDOT contracts that are currently advertised for proposals or construction bid letting, CDOT will issue an addendum or revision to remove the DBE goals.
- For any CDOT advertisement where the proposal due date has passed or construction bids have been formally opened, CDOT will continue with execution of the awarded contract to avoid construction delays and will seek guidance from the Federal Highway Administration (FHWA) regarding enforcement.
- For all executed CDOT contracts, CDOT will continue to enforce the executed contract requirements pending further guidance from the FHWA.
- CDOT will communicate with local agencies to adhere to the above steps for federal aid pass-through local agency contracts.





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Management of the CDOT DBE Program

- CDOT will work with its Colorado UCP partners to complete the reevaluation process as quickly as practicable in accordance with the IFR.
- CDOT will review new applications under the new certification standards as outlined in the IFR.
- CDOT will not respond to any appeals of DBE applications until further guidance is received from the USDOT.
- CDOT will continue to provide supportive services to the small business community.

We look forward to further guidance and direction on the Unified Certification Program (UCP) and DBE reevaluation process. Please let us know immediately if CDOT's current understanding of the IFR and CDOT's planned implementation as set forth in this letter is inconsistent with FHWA's understanding.

Sincerely,

Keith Stefanik, P.E.
Chief Engineer

CC: Shoshana Lew, Executive Director
Herman Stockinger, Deputy Executive Director
Sally Chafee, Chief of Staff
Marsha Nelson, Chief Equity Officer
Bob Hays, Deputy Chief Engineer
Andrew Wilson, FHWA Deputy Division Administrator

