



COMMONWEALTH of VIRGINIA

Department of Small Business and Supplier Diversity

October 24, 2025

FROM: Virginia Department of Small Business and Supplier Diversity

TO: Certified Disadvantaged Business Enterprise Firms

RE: The U.S. Department of Transportation's update published on October 24, 2025.

Introduction

On October 3, 2025, the U.S. Department of Transportation (U.S. DOT) issued an interim final rule (IFR) requiring immediate changes to the Disadvantaged Business Enterprise (DBE) program regulations. This rule mandates an immediate suspension of DBE goals from projects and requires a thorough review of all firms that were not previously certified by an individualized determination of disadvantage.

On October 12, 2025, The Virginia Department of Small Business and Supplier Diversity (VDSBSD) sent a notification to all DBEs requiring documentation to be submitted by a deadline of October 27, 2025.

On October 24, 2025, The U.S. DOT published additional guidance on the IFR in the form of a set of Frequently Asked Questions (FAQs) related to the recent changes in the DBE program and the interim final rule (IFR). These FAQs can be found at the following link: [DBE Laws, Policy, and Guidance | US Department of Transportation](#).

Update to VDSBSD's notification sent on October 12, 2025, resulting from new guidance from the U.S. DOT received on October 24, 2025.

The U.S. DOT's FAQs state in section C questions 2 and 3, that there is no date by which a Unified Certification Program (UCP) must complete its certification reevaluation process, and that a UCP cannot impose a deadline on currently certified DBEs for submission of the reevaluation documentation required under 49 CFR 26.111. Section C question 4 states that a UCP cannot decertify currently certified DBEs without completing the reevaluation process.

The FAQs also address the right to appeal. Firms that are decertified through the reevaluation process are entitled to appeal the decertification to the U.S. DOT under the procedures described at 49 CFR 26.89.

Sincerely,

The Virginia Department of Small Business & Supplier Diversity