

Memorandum



Date: December 12, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) Program and Airport Concession Disadvantaged Business Enterprise (ACDBE) Program Implementation Modification Interim Final Ruling (IFR)

On October 1, 2025, the U.S. Department of Transportation (USDOT) issued an Interim Final Rule (IFR), which became effective on October 3, 2025. This rule significantly modifies the Disadvantaged Business Enterprise (DBE) and Airport Concession DBE (ACDBE) Programs by eliminating race and gender-based presumptions of social and economic disadvantage.

For over 40 years, the DBE and ACDBE programs have served as small business initiatives to promote equitable access to federal contracts and airport concessions. Historically, eligibility for these programs included presumptions based on race or gender. Under the new IFR, all firms must now individually demonstrate social and economic disadvantage without reliance on such presumptions. As a result, existing DBEs and ACDBEs must be reevaluated based on the IFR's new standards.

Miami-Dade County's Strategic Procurement Department (SPD) is one of nine certifying agencies in the Florida Department of Transportation (FDOT) Unified Certification Program (UCP). To comply with the IFR, UCPs are required to:

- Reevaluate all currently certified DBE and ACDBE firms under the new standards;
- Recertify firms that meet the updated eligibility criteria; and
- Decertify firms that do not meet the new requirements.

In addition to serving as a certifying agency to DBEs and ACDBEs, SPD currently maintains a directory of over 500 certified small businesses to include SBE, MBE, and Veteran's firms. The reevaluation process of these firms is anticipated to take approximately six to nine months, once the certifying members of Florida's UCP agree on guidelines.

Until the reevaluation process is complete and the UCP notifies USDOT of compliance, the DBE and ACDBE programs will not process any new application for certification or assign any new DBE or ACDBE goals on new solicitations and will not count participation by previously certified firms toward DBE/ACDBE goals on active contracts.

This update is being shared to inform the Board of County Commissioners that constituents may experience delays in DBE/ACDBE certification processing and concerns may arise regarding the temporary removal of DBE/ACDBE participation goals from advertised projects.

SPD is committed to working closely with FDOT and the UCP to ensure full compliance with the IFR. Once the reevaluation is complete, DBE and ACDBE goal setting and enforcement will resume.

During the reevaluation period, departments must take the following actions to comply with the IFR:

1. For solicitations with DBE/ACDBE goals that are advertised but have not received bids or proposals: Issue an addendum to remove the goals.
2. For solicitations with DBE/ACDBE goals that have received bids or proposals but are not yet awarded: Issue a contract amendment to zero out the goals.
3. For active contracts awarded prior to October 3, 2025: These contracts may proceed as awarded. However, DBE/ACDBE participation in these contracts will not count toward program goals until reevaluation is complete. No contractor, consultant, or concessionaire will be terminated solely due to the IFR.

SPD will continue to enforce all applicable provisions of 49 CFR Parts 23 and 26 regarding firm removal and compliance. Should you have any questions, please contact Elena Quevedo, Assistant Director, at (305) 375-4029 or Elena.Quevedo@miamidade.gov.

c: Geri Bonzon-Keenan, County Attorney
Gerald Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
Department Directors
Office of Policy and Budgetary Affairs
Basia Pruna, Director, Clerk of the Board
Yinka Majekodunmi, Commission Auditor