



**Disadvantaged Business Enterprise (DBE) and Airport Concession DBE (ACDBE)**

**Comparison of Timelines and Reporting Requirements in April 9, 2024 Final Rule**

PART 26 – DBE PROGRAM	Prior Rule	2024 Final Rule Modifications
<b>REPORTING REQUIREMENTS</b>		
Count of firms in state UCP directories (MAP-21 Report)	By January 1 of each year	No change, but report items expanded
Uniform Report of Awards	FTA and FHWA recipients report due June 1 (covering Oct. 1-Mar. 31), and Dec. 1 (covering Apr. 1-Sep. 30). FAA sponsors submit by Dec. 1	No date change, but report items expanded
Bidders List	Not submitted to USDOT	Submit to USDOT once system is complete and no later than Dec. 1 following the fiscal year in which the relevant contract was awarded. In the case of a “design-build” contracting situation where subcontracts will be solicited throughout the contract period as defined in a DBE Performance Plan, the data must be entered no later than Dec. 1 following the fiscal year in which the design-build contractor awards the relevant subcontract(s).
FTA Tier 2 agencies	N/A	Uniform Report and Bidders List must be submitted to USDOT
Recipients reporting to FTA TVM bidders	Within 30 days of making an award, the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in the grant agreement.	Within 30 days of becoming contractually required to procure a transit vehicle, an FTA recipient must report to FTA: (1) the name of the TVM that was the successful bidder; and (ii) The Federal share of the contractual commitment at that time.
<b>ADMINISTRATIVE REQUIREMENTS</b>		
Prompt payment / Return of retainage	30 days following satisfactory completion of a DBE’s work on its portion of the overall contract	No change, however, the rule preamble provides that if state law or a recipient’s program plan calls for a quicker turnaround time, the shorter requirement prevails.
Prime contractor’s written notice to terminate a DBE must provide DBEs with the following time to respond.	5 days	No change
When a DBE subcontractor is terminated, the prime’s good faith effort documentation is required to be submitted to recipient if requested.	7 days with possibility for an additional 7- day extension	No change
<b>NON- INTERSTATE CERTIFICATION</b>		
UCP Directories	August 2011	Changes to directory mandated in rule must be made 180 days after effective date of rule

Certifier's notice to firm that application is complete	Within 30 days	No change
Time to render a decision on initial application once application complete	90 days	90 days with 30 days extension after notice to the firm. Longer period allowed only with OA approval.
Certifier's maximum extension of period to render a decision	60-days	<b>Reduced to 30-days</b>
Personal net worth limit adjustment	No automatic adjustment	USDOT will adjust within 3 years of effective date
Time to enter denial in USDOT's online portal	No date	Within 5 days of denial
Time to notify certifier of material change potentially affecting eligibility	Within 30 days of occurrence	No change
Annual eligibility affirmation and gross receipts documentation	Due on anniversary of certification in applicable jurisdiction	Due in all certifying jurisdictions on anniversary of original certification
Firm submission of evidence in response to certifier's request to submit evidence of group membership	No date	Firm has 20 days to respond to certifier's notice of a well-founded reason to question group membership.
Time to render a decision after receiving firm evidence of group membership	No date	Within 30 days of receiving the firm's evidence.
Waiting period for applicant to reapply	No more than 12 months	No change, however, shorter periods now allowed without OA approval and the waiting period is clarified – starts to run from the date of the denial letter.
<b>INTERSTATE CERTIFICATION</b>		
Time to certify an interstate applicant	Within 60 days after receiving from DBE all information §26.85(c) requires, unless certifier finds good cause to believe home state certification is erroneous or should not apply in its state.	Within 10 business days of application
Time for "Jurisdiction of original certification (JOC)" (formerly "home state") to provide additional UCPs with file	On-site report only within 7 days of request	Entire or partial unredacted file within 30 days of request.
Notification to all other certifiers of intent to decertify a firm.	None	30 days to notify other certifiers and firm by email
<b>DECERTIFICATION</b>		
Notice of Intent (NOI)	No notice to other jurisdictions	Must notify other affected certifiers by email; other certifiers have 30 days to notify JOC of concurrence or non-concurrence
Hearing request	No date	Firm must Inform certifier within 10 days whether it wants a hearing
Hearing date	No date	No fewer than 30 days and no more than 45 days from the date of the NOI
Certifier decision	<b>No date</b>	Must notify DBE of decision within 30 days of hearing and/or receipt of firm arguments
Notice to other interested certifiers	None	To other affected certifiers, within 3 business days.
Limits on similar proceedings	None	For firms certified in only one UCP, no.

		<i>Interstate:</i> For DBEs certified in multiple UCPs. If a UCP decides not to remove certification, then <u>no</u> jurisdiction may initiate decertification for 1 year on same or similar grounds and underlying facts.
Certifier enters NOD in DOCR's On-line Portal	No date	Within 5 calendar days of action
<b>SUMMARY SUSPENSION</b>		
Show cause hearing date	No date	Summary suspension hearing must be a business day that is at least 15 days but not more than 25 days after the date of the notice.
Firm response due date	No date	Later of 15th day following suspension notice or day of hearing
Notice of decision date	No date	Within 30 days of the suspension notice
Duration of suspension	Not addressed	No more than 30 days
<b>APPEALS TO USDOT</b>		
Deadline for firms to appeal to USDOT	90 days from date of decision	Reduced to <b>45</b> days
Certifier sends indexed and organized records to USDOT	20 days	No change
<b>PART 23 – ACDBE PROGRAM</b>		
Annual number and percentage of in-state and out-of-state ACDBE certifications	N/A	Each year in conjunction with part 26 MAP-21 call.
Send Small Business Element as part of program plan to FAA	N/A	Within 180 days after the rule is published.
ACDBE Uniform Report	March 1	Annually by March 1 following the end of each fiscal year.
Shortfall Analysis Sent to FAA	Core 30 airports–within 90 days of the end of the fiscal year	Due date is April 1
Length of “long-term” exclusive lease term	Up to 5 years, longer with approval	Up to <b>10 years</b> , including any combination of base term and options or holdovers to extend the term.
Submission of long-term exclusive concession agreements to FAA	No date	Rule lists items that must be submitted at least 60 da  Rule lists items that must be submitted at least 45 days before contract award.
Submission of long-term exclusive concession agreements that were awarded through <i>direct negotiations</i> to FAA	No date	Rule lists items that must be submitted at least 45 days before contract award.
Submission of long-term exclusive concession agreements that become long term as a result of a holdover tenancy to FAA	No date	At least 60 days prior to the expiration of the current lease term.