



DBE and ACDBE Final Rule April 9, 2024

<https://www.transportation.gov/DBEFinalRule>

Final Rule Summary

- ❖ *Expands recipient reporting requirements to USDOT to gain greater knowledge of DBE/ACDBE characteristics, bidding/solicitation practices and utilization and overall program impact*

Additional DBE/ACDBE reporting details in Map 21

Additional DBE/ACDBE reporting details in Uniform Reports

Expanded Bidders List data and requirement to report back

Bidders list form updated: <https://dot.alaska.gov/cvlrts/bidreg/bidreg.html>

Coming soon listing of all bidders to be submitted with the Prime's bid

Created Active Participants for Airports List:

<https://dot.alaska.gov/cvlrts/acdbe-active.shtml>



- ❖ *Replicates the DBE program's small business element requirements for the ACDBE program*

Created the Small Business Element Concession Program:

<https://dot.alaska.gov/cvlrts/acdbe-sbec.php>

- ❖ *Adds a DBE performance plan requirement for design-build projects*

This is a Race-conscious requirement

- ❖ *Updates rules for counting participation by DBE material suppliers and clarifies terminology*

Began updating program plan and will update Specs and Forms to include new Distributor category counted at 40%.

DBE distributor neither maintains sufficient inventory nor uses its own distribution equipment for the products. A DBE distributor engages in the regular sale or lease of the items specified by the contract and assumes responsibility for the items it purchases once it leaves the point of origin making it liable for any loss or damage. A DBE distributor performs a CUF when it demonstrates ownership of the items in question and assumes all risk for loss or damage during transportation.



- ❖ *Strengthens monitoring and prompt payment requirements.... recipient's DBE program must include mechanisms it will use for proactive monitoring and oversight of prime contractors' compliance with subcontract prompt payment and return of retainage requirements.*

We will begin additional Prompt Payment monitoring via email this summer

- ❖ *Adds flexibilities to conserve certification agency resources*

We have the flexibility to conduct DBE/ACDBE onsite reviews virtually and notarization is no longer required.

- ❖ *Increases the personal net worth (PNW) cap for owners to be eligible for the programs; and simplifies the calculation*

Raises the PNW cap (last adjusted in 2011) from \$1.32 to \$2.047 million.

- ❖ *Expedites interstate certification process through less burdensome procedures*

Reciprocity between UCPs is mandatory, if the additional UCP confirms the DBE has certification, it must certify the firm within 10 business days.



- ❖ *Modifies bounds of long-term exclusive lease (LTE) agreements in the ACDBE program*

Extends the long-term definition from 5 to 10 years.

- ❖ *This rule change affected many details in the regulation that affect how we process initial certification and implement the program, these details pertain the ownership, control, presumption of economic disadvantage, individual determinations of social and economic disadvantage, gross receipt calculations, rules on appealing UCP decisions to USDOT, decertification actions, counting participation after decertification, summary suspension rules, and ACDBE goal setting requirements.*

The AUCP processes all DBE/ACDBE applications and counts DBE/ACDBE participation in accordance with the rules and in good faith.



Any questions about the Final Rule?

