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# Impact of Rule Requiring Re-evaluation of DBEs Is Uncertain



Ellen Chapelle



Richard Reizen



Hannah Batsche

## Construction

On October 3, 2025, the U.S. Department of Transportation issued an Interim Final Rule (“IFR”) for the Disadvantaged Business Enterprise Program and Disadvantaged Business Enterprise in Airport Concessions Program, which requires each Unified Certification Program to re-evaluate all certified Disadvantaged Business Enterprise (DBE) businesses. To that end, the Illinois Unified Certification Program (IL UCP) notified all DBE firms certified prior to October 3, 2025, that they are required to submit a personal narrative to demonstrate their qualification as a DBE by November 24, 2025. Additionally, the Illinois Department of Transportation (IDOT) – the agency that administers the IL UCP and issues certifications that are honored by multiple agencies – has removed the IL UCP Directory from its website.

It is unknown how long it will take for IL UCP to complete the DBE re-evaluation process. IDOT and the City of Chicago announced that new solicitations for contracts will not include DBE goals until the DBE re-evaluation process is completed. The impact of the new IFR on on-going contracts that have DBE goals, however, is not clear.

On November 10, 2025, IDOT issued a “Message to Illinois Transportation Partners & Contractors” announcing that:

DBE goals will remain intact on all contracts executed prior to October 3, 2025, the date of the IFR. ***All commitments to DBE subcontractors, suppliers, and trucking firms made through the approved DBE Utilization Plans on those contracts must be honored.***

(Emphasis added.) The City of Chicago has also posted a notice on its website stating, “Until reevaluations are complete, existing DBE/ACDBE certifications are not valid for contracting purposes ***and cannot be counted toward goals.***” (Emphasis added.)

It is unclear whether DBE businesses that are recertified through the re-evaluation process will be treated as having been certified *during* this re-evaluation period so that their work can be counted toward DBE goals. It is also unclear whether implementing agencies will modify DBE requirements for ongoing contracts in recognition of the impact of the re-evaluation process, or whether they will require each contractor to replace DBEs that are not certified through the re-evaluation process and to demonstrate “Good Faith Efforts” under applicable regulations to obtain relief from DBE goals that are not fulfilled because of the re-evaluation process.

In the wake of uncertainty caused by the IFR, contractors must await further clarification from implementing agencies. In the meantime, commitments made to DBEs prior to the IFR should be honored.

For questions regarding the IFR and its impact, please contact [Ellen Chapelle](#), [Richard Reizen](#) or [Hannah Batsche](#).