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**RTD SBO – Frequently Asked Questions (FAQs)**
**Regarding USDOT DBE Final Rule (FR) – Effective September 25, 2026**

**Context:**
As a result of the recent U.S. Department of Transportation (USDOT) Final Rule (FR) issued on September 25, 2026, and the elimination of race- and sex-based presumptions in the Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs, DBEs must now be recertified under revised standards before their participation can count toward DBE goals. These FAQs are intended to clarify certain aspects of the FR for contractors, subcontractors, and certified firms. We encourage you to familiarize yourself with the FR (available at: USDOT FINAL RULE DBE AND ACDBE REG September 25 2026) and the most recent guidance issued by USDOT on September 25, 2026 (available at: USDOT DBE FR FAQs). Information in these FAQs is subject to change as a result of future changes to applicable laws, regulations, or federal guidance.

**1: What is the status of my DBE certification status?**
Under the FR, all DBE firms previously certified using race- or sex-based presumptions of social and economic disadvantage must be reevaluated under the Unified Certification Program (UCP) to determine eligibility under the new standards established in the IFR.

**2: What do we need to do right now to be recertified?**
**A:** The IFR provides that in order to be recertified, previously certified DBEs must submit, among other things, a personal narrative explaining their social and economic disadvantage, and an updated personal net worth statement. The FR has expanded guidance on how to explain and use discriminatory language when completing the Personal Narrative. For more detailed instructions regarding recertification, please contact your certifying agency under the Colorado Unified Certification Program (COUCP) — either the **City & County of Denver (CCD)** or the **Colorado Department of Transportation (CDOT)**. They will guide you through the recertification process.

**3: Is there a timeline for when DBE firms will be recertified?**
The FR established December 24, 2026, as the due date for the COUCP to complete the recertification process for DBEs certified prior to October 3, 2025. COUCP will issue a notice of nonresponse to any DBE that fails to submit its PN and PNW statement before the due date. Please contact your certifying agency (CCD or CDOT) for further clarification related to the reevaluation process and timelines.

**4: Will my other certifications still be valid?**
RTD SBE Certifications are still valid for locally and federally funded projects with an SBE goal. Under the FR, only DBE and ACDBE certifications are impacted. RTD SBO encourages you to contact the DBE certifying agencies (CCD or CDOT) for further guidance and specific instructions.

**5: What happens to my current contract that had a DBE goal?**
The FR provides that DBE goals for contracts executed prior to October 3, 2025, are unenforceable. As such, no DBE participation may be counted for the period between October 3, 2025, and the date the COUCP notifies USDOT that the reevaluation period is complete. RTD will count participation of re-certified DBEs as DBE-neutral and eventually toward RTD overall goal after the COUCP concludes the reevaluation process and notifies USDOT of completion.

**6: When the COUCP recertification process is complete, will the same DBE goals be used?**
No. DBE goals for contracts executed prior to IFR of October 5, 2025, are unenforceable. After the COUCP completes the recertification process and notifies USDOT of completion, RTD will count participation of re-certified DBEs as DBE-neutral and eventually toward RTD overall goal.

**7: Will goals be set on upcoming federally funded contracts?**
DBE goals will not be set on upcoming federally funded contracts until the FTA approves an overall goal based on revised DBE goal methodology. The FR requires RTD to submit an updated overall goal methodology before RTD may set DBE-conscious contract goals. RTD will initiate the recalculation of the overall DBE goal immediately after the COUCP completes the recertification process. Until then, RTD will count DBE participation using DBE-neutral means and eventually will count such participation toward the overall triennial RTD goal.

**8: Can Prime Contractors remove a DBE subcontractor from a current contract without good cause?**
While USDOT will not enforce the termination provisions until the COUCP concludes the recertification process and officially notifies USDOT, RTD contract administration requirements and contract provisions prohibit prime contractors from terminating a DBE or any portion of the DBE's work listed without RTD's prior written consent upon a showing of good cause, unless RTD causes the termination or reduction.

**9: Is the DBE Prompt Payment Provision still in effect?**
Yes. RTD is required to implement and document compliance with the Prompt Payment provisions as included in the DBE Contract Requirements Part B Section 5 – Prompt Payment of DBE Subcontractors. Prime contractors shall continue to pay DBE subcontractor(s) any undisputed amounts for the satisfactory performance of the subcontractor's work within 30 days of the prime contractor's receipt of the subcontractor's invoice, regardless of whether RTD has paid the prime contractor for such invoice. Primes need to report payments to all firms by the 5$^{th}$ of each month, through RTD's Compliance Portal, B2Gnow. Also, subcontractors need to confirm payments through the same compliance portal (B2Gnow).

**10: Will primes still need to comply with DBE flow-down provisions to any tier subcontractor?**
Although there are provisions that may not be enforceable until COUCP completes the recertification process, (e.g. updated DBE Enclosures for new DBE subcontractors) RTD will continue to enforce provisions related to termination, substitution, replacement or reduction of subcontracts, and prompt payment provisions. On new subcontract agreements effective after October 3, 2025, and while COUCP concludes the recertification process, DBE flow-down provisions are not required to be included, regardless of the tier.

**11: Are joint ventures and mentor-protégé agreements still valid?**
Yes. These agreements remain valid, but DBE participation will be counted as DBE-neutral after the COUCP completes the recertification process and eventually toward RTD's overall goal.

**12: I was certified as a DBE by a COUCP prior to October 3, 2025, and working as a prime or subcontractor in a locally funded RTD contract with an SBE goal. Will my participation still count towards the SBE goal, and will I continue to receive SBE benefits or protection?**
No. If you are only DBE-certified under the COUCP, your participation will no longer count toward the SBE goal, and the SBE-specific requirements of a contract will not be enforced unless you are certified as SBE under RTD's SBE Program.

**13: Will RTD continue to set SBE goals on locally funded contracts?**

Yes. RTD will continue to set SBE goals on locally funded contracts. However, only RTD SBE certifications will be eligible to count toward those goals.

**14: How can we stay competitive during this transition?**

Focus on these areas:

1. Continue looking for contracting opportunities in RTD's procurement portal, OpenGov, or partnering with potential proposers and bidders as subcontractors. Visit RTD's OpenGov portal to make sure you are registered as vendors: https://www.rtd-denver.com/doing-business-with-rtd/dbesbe/register-as-a-vendor
2. Follow COUCP instructions to complete the DBE recertification process.
3. Pursue RTD's SBE Certification so that you can also compete as a certified firm on locally funded solicitations. Apply for SBE Certification at: https://rtd-denver.gob2g.com/
4. Continue demonstrating strong performance on existing contracts.

**Contact Information**

For additional clarification, please contact RTD's Small Business Opportunity Office (SBO) at SBO@RTD-Denver.com or your assigned contract representative.