U.S. Department of Transportation

Disadvantaged Business Enterprise Program and Disadvantaged Business Enterprise in Airport Concessions Program Implementation Modifications

Interim Final Rule: October 3, 2025
Amendments to 49 C.F.R. Parts 23 and 26
RIN: 2105-AF33

SUPPORTING STATEMENT
OMB Control No. 2105-0586

Summary of Submission

This submission seeks approval for new collections, and revisions to existing collections proposed in an Interim Final Rule on October 3, 2025 (90 Fed. Reg. 47969-47982) concerning the Disadvantaged Business Enterprise (DBE) regulation 49 CFR Part 26 and the Airport Concession DBE (ACDBE) program regulations 49 CFR Part 23.

This information collection modifies, in part, the DBE program collection instruments listed in OMB Control No. 2105-0586 (issued May 8, 2024). It also adds to this Control Number the existing collection instruments that were previously listed in OMB Control No. 2105-0585 (issued November 8, 2022), to the extent that those collection instruments are still retained as part of the Department's DBE and ACDBE regulations and are not duplicative of collection instruments accounted for as part of this Control. As a result, DOT discontinued OMB Control No. 2105-0585.

The answers to questions number 12 and 15 itemize all information collection requirements and adjustments, respectively.

1. Circumstances that make the collection of information necessary. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each section of each statute and regulation mandating or authorizing the collection of information.

Spanning over 40 years, the DBE and ACDBE programs are small business initiatives to level the playing field for small, disadvantaged businesses. Congress found that there is a compelling need for the continuation of the DBE program. The Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58 (Nov. 15, 2021). The statutory provision authorizing the DBE Program as it relates to airport financial assistance programs is 49 U.S.C. 47113. IIJA continues previous mandates to collect and report data to the Secretary.

The Airport Concession Disadvantaged Business Enterprise (ACDBE) program is mandated by statute, including the FAA Reauthorization Act of 2018 (Public Law Number 115-254) and 49 U.S.C. 47113 and 49 U.S.C. 47107 Public Law Number 115-254, provides among other requirements, congressional findings of a strong basis that there is a compelling need for the continuation of the airport disadvantaged business enterprise (DBE) program and the ACDBE program. Title 49, United States Code, Section 47107 and 47113, empowers the Secretary of Transportation to approve project grant applications for airport development projects only if the Secretary receives written assurances, satisfactory to the Secretary, that the airport owner or operator will take necessary action to ensure, to the maximum extent practicable, that at least 10 percent of all businesses at the airport selling consumer products or providing consumer services to the public are small business concerns (as defined by regulations of the Secretary) owned and controlled by socially and economically disadvantaged individuals.

Title 49, Code of Federal Regulations, part 26 (49 CFR part 26) and part 23 (49 CFR part 23) prescribe the rules concerning participation by DBEs and ACDBEs in these programs; and the following provisions are discussed in this supporting statement. The collection activity described below helps fulfill the requirements in these regulations and supports DOT's strategic goal of supporting and engaging people and communities to promote safe, affordable, accessible, and multimodal access to opportunities and services.

The two new collection instruments are necessary to ensure that the DBE and ACDBE programs are constitutionally sound and do not violate the equal protection principles of the Constitution. More specifically, these collection instruments are a necessary result of the elimination of the race and sex-based rebuttable presumptions and reflects that the DBE and ACDBE regulations now (1) require firm owners to make individualized showings of social and economic disadvantage and demonstrate; and (2) require Unified Certification Programs (UCPs) to reevaluate, on a one-time basis, existing DBE and ACDBE firms for continued eligibility in the respective programs.

49 CFR Part 23

Subpart B—ACDBE Programs

§ 23.26, Fostering ACDBE Small Business Participation
§ 23.27, Retaining and Reporting Information about ACDBE Program Implementation

Subpart D—Goals, Good Faith Efforts, and Counting

§ 23.55, Counting ACDBE Participation after Decertification

Subpart E—Other Provisions

§ 23.75, Long-term Exclusive Agreements
§ 23.81, ACDBE reevaluation process
§ 23.81 ACDBE reevaluation process.

49 CFR Part 26

Subpart A—General

§ 26.11, What records do recipients keep and report?

Subpart B—Administrative Requirements for DBE Programs for Federally Assisted Contracting

§ 26.21 Who must have a DBE program?
§ 26.29 What prompt payment mechanisms must recipients have?
§ 26.31 What information must a UCP include in its DBE/ACDBE directory?
§ 26.37 What are a recipient's responsibilities for monitoring?

Subpart C—Goals, Good Faith Efforts, and Counting
§ 26.29, What prompt payment mechanisms must recipients have?
§ 26.49 Transit Vehicle Manufacturers (TVMs) ()
§ 26.53 What are the good faith efforts procedures recipients follow in situations where there are contract goals?

Subpart D—Certification Standards
§ 26.67 Social and Economic Disadvantage
§ 26.68 Personal net worth.

Subpart E—Certification Procedures
§ 26.81 Unified Certification Programs
§ 26.83 What procedures do certifiers follow in making certification decisions?
§ 26.85 Interstate certification.
§ 26.88 Summary suspension of certification.

Subpart F—Compliance and Enforcement
§ 26.111 DBE reevaluation process.

A1 and 2. ACDBE small business element

49 CFR 23.26(b) requires primary airport recipients to create and submit an ACDBE small business element to the FAA for approval as a part of their ACDBE program. There is a lack of concession opportunities of a size and nature for which small businesses, including ACDBEs, can fairly compete. Therefore, the Department is requiring recipients to create a small business element for their ACDBE programs that would be specifically designed to foster small business participation. Small business elements are effective measures for achieving DBE participation. For purposes of monitoring compliance, recipients would be required to periodically report on the implementation of their strategies to determine whether the recipients are actively implementing their program elements to foster small business participation.

B1. ACDBE active participants list

Paragraph (c) of 49 CFR §23.27 requires recipients to collect and report active participant data about ACDBE and non-ACDBE firms seeking to participate in concession opportunities. This collection of information under is necessary for the Department to evaluate the extent to which the objectives of § 23.1 are being met. 49 CFR § 23.27(c)

B2. ACDBE active participants list

ACDBE and non-ACDBE firms are required by airport recipients to report the information required under 49 CFR § 23.27(c) with their proposals or initial responses to negotiated procurements. The information that firms report to comply with this requirement include firm name; firm address; firm status as an ACDBE or non-ACDBE; the North American Industry Classification System (NAICS) code(s) applicable to each type of work the firm sought to perform in its proposal; age of the firm; and the annual gross receipts of the firm.

C. ACDBE Annual Report of Percentages of ACDBEs in Various Categories – modification of existing requirement

Although the Congress mandated by law (MAP-21) that the DBE program collect demographic data on DBE owners, there was no corresponding requirement for the ACDBE program. Paragraph (d) of 49 CFR § 23.27 expands the DBE MAP-21 data collection requirements for State departments of transportation, on behalf of their Unified Certification Program (UCP) members, to include ACDBE data in the reports they submit annually to the Department pursuant to 49 CFR § 26.11(e). This information collection is necessary for recipients to comply with the requirements of this section. The collection has been modified a result of eliminating the race- and sex-based reporting requirements for bidders' lists, in addition to eliminating the requirement to report data related to applications for and determinations of individualized social and economic disadvantage.

D. Approval of long-term exclusive (LTE) agreements

49 CFR § 23.75 requires respondents to submit certain documentation and information to the FAA to obtain approval to enter into long-term exclusive (LTE) agreements for concessions or agreements that become LTE as a result of holdover tenancies. LTE Agreements are generally prohibited under the regulation to limit the situation where an entire category of business activity is not subject to competition for an extended period of time through the use of an LTE agreement. However, respondents may enter into LTE agreements if special local circumstances exist that warrant an LTE agreement and the FAA approves its plan. The documentation and information that recipients must submit to FAA for approval in order to enter into LTE agreements are listed as follows:

- A description of the special local circumstances that warrant a long-term, exclusive agreement.
- A copy of the solicitation.
- ACDBE contract goal analysis
- Documentation that ACDBE participants are certified in the appropriate NAICS code in order for the participation to count towards ACDBE goals.
- A general description of the type of business or businesses to be operated by the ACDBE, including location and concept of the ACDBE operation.
- Information on the investment required on the part of the ACDBE and any unusual management or financial arrangements between the prime concessionaire and ACDBE, if applicable.
- Final long-term exclusive concession agreement, subleasing or other agreements.

Holdover plans include the same information and documentation for LTE agreements except that it does not include a description of special circumstances, copy of solicitation, and a general description of the type of business. Instead, respondents are to submit as part of their holdover plan a written explanation for the holdover and the method and date the airport recipient will use to solicit or renegotiate the concession contract, agreement, or lease in holdover status.

E1 and 2. Determining Eligibility for Continued Counting of ACDBE Participation After Removal (§ 23.55)

When an ACDBE is decertified because one or more of its disadvantaged owners exceed the PNW cap or the firm exceeds the business size standards of this part during the performance of a contract or other agreement, the firm's participation may continue to be counted toward ACDBE goals for the remainder of the term of the contract or other agreement. However, section 23.55(j) requires airports verify that a firm decertified for exceeding size and PNW standards in all other respects remains an eligible ACDBE. To accomplish this requirement, section 23.55(j)(1) and (2) requires decertified firms to submit to airports, not certifying agencies, in a manner determined by the airport, written declarations and notices affirming no change or any changes in circumstances affecting its ability to meet ownership or control requirements of subpart C of this part. The collection of this information is necessary for primary airports to verify that the decertified firm in all other respects remains an eligible ACDBE and whether its participation is eligible to continue to be counted toward ACDBE goals for the remainder of the term of the contract or other agreement.

F. Annual Report on ACDBE Participation – modification to existing reporting requirement

Title 49 CFR § 23.27 requires respondents with approved ACDBE programs to submit a "Uniform Report of ACDBE Participation" (Uniform Report) each year, by March 1. The IFR amends the information collections in the ACDBE Uniform Report by removing the requirement in the Uniform Report to allow for participation to be reported by ACDBEs that are owned by multiple individuals of different races, ethnicities, and/or genders; The information collected from Uniform Reports continues to be necessary for the FAA to conduct program oversight of recipients' ACDBE programs, identify trends or problem areas in the program, and ensure that the ACDBE program is achieving its goal of encouraging ACDBE participation in concession-related opportunities.

G. Personal Net Worth (PNW) Statement

The PNW Statement is necessary to implement the requirement found in 49 CFR § 26.68(b) that a firm applying for DBE and/or ACDBE certification must declare that the PNW of the qualifying owner(s) does not exceed the regulation's limit and complete and submit a corroborating PNW Statement. This allows recipients to determine whether the owner of an applicant firm is economically disadvantaged. Verifying that the owner(s) claiming to be SED has a PNW below the regulatory cap is necessary to ensure that only qualified firms are certified. This protects the integrity of the programs.

H. Uniform Certification Application (UCA) –modification of existing reporting requirement

The UCA is necessary to comply with 49 CFR § 26.83(c)(7)(i). The IFR modifies the UCA form to remove the requirement that applicants submit race and sex data regarding majority and minority owners, directors, officers, and managers, and key personnel who are responsible for the functions listed for the firm. Completion and submission of the UCA by DBE and/or ACDBE certification applicants is necessary for certifying agencies in the Unified Certification Programs (UCPs) to determine whether a particular firm qualifies for certification. To qualify, applicants must demonstrate that the firm is owned and controlled by an individual(s) who is socially and economically disadvantaged. The individual(s) must have at least 51% ownership of the firm. The firm must also meet the regulation's business size standard. Applicants must provide all that information, and more in the UCA. This collection is the first step in determining whether applicant firms fully meet the programs' certification eligibility requirements.

I. Annual Affidavit of No Change (renamed Declaration of Eligibility (DOE))

Section 26.83(j) of 49 CFR Part 26 requires DBEs and ACDBEs to annually declare, under penalty of perjury, that they remain eligible for DBE and/or ACDBE certification. The DOE (along with information documenting the firm's gross receipts) is the only information DBEs and ACDBEs are required to regularly submit to maintain their certification. Thus, this collection instrument is necessary to ensure the integrity of the DBE and ACDBE programs.

J. Maintaining and updating bidders lists –modification of existing reporting requirement

Paragraph (c) of § 26.11(c) requires recipients to obtain and enter bidders list data into a centralized database that would be specified by the Department. The IFR removes the old requirement that recipients must collect in their bidders lists to include the race and gender information for the firm's majority owner. This bidders list information is necessary for the Department to evaluate whether the DBE program is making progress toward the objectives stated in § 26.1 of the regulation.

K. Reporting Percentages of DBEs in Various Categories (MAP-21 Data Report) – modification of reporting existing requirement

Submission of the MAP-21 Data Report is required by § 26.11(e). The IFR removes data collection based on race and sex.

L. Updating and maintaining UCP directories of DBE and ACDBE firms

Section 26.81(g) of 49 CFR Part 26 requires recipients to update and maintain a directory of DBE and ACDBE firms. Section 26.31 lists the information that must be included for each firm. The directories help prime contractors to identify and contact DBE and/or ACDBE firms that are ready, willing, and available to participate in subcontracting opportunities. Prime contractors need sufficient identifying information to do so.

M. DBE Open Ended Performance Plan (OEPP)

The Department revised § 26.53(e) to require recipients requesting proposals for a design-build project to require a design-builder to submit a OEPP with its proposal. The OEPP would replace the need to commit to specific DBE firms or submit "good faith efforts" at the time of the proposal or prior to final selection. This collection is necessary to expand greater opportunities for DBE firms to participate in design-build projects.

N. Mailing and maintaining copies of summary suspension notices

Section 26.88 of 49 CFR Part 26 allows recipients, in limited circumstances, to summarily suspend a firm's certification. Paragraph (d)(1) of § 26.88 requires that if a certifier does so, it must immediately notify the firm of the suspension by email.

O. Uniform Report of DBE Awards or Commitments and Payments (Uniform Report) – modification of current form

The Uniform Report is required by 49 CFR § 26.11. The Department collects much of its DBE utilization data from the Uniform Report. Recipients annually submit it to the Operating Administration(s) (OA) from which they receive funding. Without the Uniform Report, the Department would not be able to carry out its program oversight responsibilities, as there is no other method for obtaining this data from DOT funding recipients about their DBE programs. The IFR removes Uniform Report data requirements related to race and sex.

P. Monitoring the performance of DBE program participants

Recipients collect the information so they can confirm at project sites that the DBE to whom the work was committed is performing the work. If OAs conduct a compliance review or investigation, they check to see if the recipient in question has the required written certifications and tallies. Recipients do not otherwise submit the information.

Section 26.37(c)(2) requires recipients with respect to each DBE commitment to have mechanism for a running tally that provides for a frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor to determine whether the contractor is on track with meeting its DBE commitment and whether any projected shortfall exists that requires the prime contractor's good faith efforts to address to meet the contract goal pursuant to § 26.53(g). This requirement is necessary to ensure that throughout the course of a contract the recipient will know whether a DBE is doing the work to which the prime contractor has committed, whether payments to DBEs are timely, and whether DBEs are performing a commercially useful function.

Q. Updating Unified Certification Program (UCP) Agreements

49 CFR 26.81 requires recipients within a state to create an agreement establishing a UCP for that state and submit it to the Secretary for approval. The regulation requires the agreement to specify, among other things, that the UCP will follow all certification procedures and standards

of this part, on the same basis as recipients and implement DOT directives and guidance concerning certification matters.

R. Evaluating the DBE certification eligibility of applicant firms (Recording of On-Site Interviews)

49 CFR §26.83 requires recipients to take various steps in determining an applicant's eligibility, such as performing an on-site visit to the firm's principal place of business. Recipients often write a report documenting the visit, refer to the information in it when making a final eligibility decision, and maintain a copy of it. They are also required to make audio recordings of the onsite interview. This collection is necessary evidence for the Department to adjudicate certification appeals.

S. Providing evidence of certification to an additional state when a firm certified in its home state applies to another state for certification (interstate certification) - modification to existing requirement

49 CFR §26.85(c), requires that when a firm currently certified in its jurisdiction of original certification (formerly termed "home state" or State A") applies to another state (State B) for DBE certification, the firm submit proof of that certification. State B must confirm, within 10 business days of receiving the documents, the certification of the DBE preferably by reference to the UCP directory of the JOC. If the DBE fulfills the requirements and the UCP confirms its certification, the UCP must certify the DBE immediately without undergoing further procedures and provide the DBE with a letter documenting its certification. The documentation provided by the firm evincing proof of successful reevaluation by the firm's home state is necessary to ensure that only eligible firms under the revised regulation remain certified under interstate certification procedures.

T. Sending the Department a full administrative record when the Department gives notices that a denied or decertified firm appeal to the Department and maintaining a copy of the record

Applicant and decertified firms may appeal adverse notices of decisions to the Department. A notice of decision or NOD is a determination that denies a firm's application or decertifies an ACDBE/DBE. 49 CFR § 26.89(b) requires that upon appeal and request, certifying agencies must submit to the Department a copy of a complete administrative record including a video, audio, or transcript of any hearing. The regulation requires the administrative records be well organized, indexed, and paginated. The Department adjudicates NOD appeals strictly on the administrative record provided by the certifying agency. The Department's appellate decisions are subject to judicial review, which such court's reviews are also based entirely on the documents the recipient relied upon to reach its decision. This information collection is necessary because incomplete administrative records would undermine the legal defense of both the recipient's and the Department's decisions.

U1. Reapplication for DBE/ACDBE certification based on individualized showing of social disadvantage for existing firms – new requirement

Consistent with the IFR, Section 26.67 provides that all small business concerns to demonstrate social and economic disadvantage based on their own experiences and circumstances without reliance in whole or in part on race or sex. Section 26.67(a) of the regulation states that these individuals must submit a narrative describing the individual's experiences of social disadvantage and a separate narrative in which the individual describes why the individual is economically disadvantaged in order to demonstrate their eligibility. This information collection is necessary ensure that participation in the DBE/ACDBE program is limited to disadvantaged individuals without the reliance on race and sex-based presumptions of disadvantage. This collection replaces the information collection previously identified as "Writing and submitting narratives of social and economic disadvantage when applying for DBE certification based on an individualized showing of disadvantage,"

U2. Application for DBE/ACDBE certification based on individualized showing of social disadvantage for firms seeking first-time certification – modification of existing collection

Individuals who wish to have their firms certified as a DBE or ACDBE must submit a narrative describing the individual's experiences of social disadvantage and a separate narrative in which the individual describes why the individual is economically disadvantaged in order to demonstrate their eligibility. This information collection is necessary for recipients to ensure that ACDBE/DBE certification is limited to firms owned by socially and economically disadvantaged individuals. This collection existed previously but now applies to all applicants for DBE/ACDBE certification. This information was previously collected pursuant to OMB Control No. 2105-0585.

V. UCP reevaluation of applications for DBE/ACDBE certification based on individualized showing of social disadvantage – new requirement

Pursuant to 49 CFR 23.81 and 49 CFR 26.111, UCPs are required to reevaluate DBE/ACDBE applicant firms based on updated submission of application materials, including the PN and PNW statement. The reevaluation by UCPs is necessary to ensure that individuals who continue to participate in the DBE/ACDBE programs are disadvantaged and not automatically permitted to participate in either program based on now-discontinued presumptions of disadvantage tied to an individual's race or sex.

W. Setting overall goals for DBE participation in DOT-assisted contracts – existing reporting requirement

49 CFR 26.45 mandates that, in three-year intervals, recipients set and submit to the relevant OA an overall goal for DBE participation in DOT-assisted contracts. Recipients must include with

their overall goal submission a description of the methodology they used to establish the goals. The goal setting requirements have been modified by removing group-based goal setting that previously involved the use of race and sex in obtaining DBE participation. This information was previously collected pursuant to OMB Control No. 2105-0585.

X. Analyzing discrepancies between Uniform Report data and recipients' overall goals (DBE Shortfall Analysis) – existing reporting requirement

If a recipient does not meet its goal in any given year, it is required to analyze why it fell short. For example, were enough contract goals set? Were contract goals set high enough? Were too many contracts awarded through documented GFE instead of DBE subcontracting? After the analysis, the recipient strategizes on changes to its procedures that could minimize the shortfall in the upcoming year and sends the relevant OA a copy of the shortfall analysis. This information was previously collected pursuant to OMB Control No. 2105-0585.

Y. Documenting and submitting "good faith efforts" (GFE) evidence to secure DBE participation – existing reporting requirement

Recipients analyze a bidder's GFE on a contract-by-contract basis if a bidder does not meet a contract goal through DBE subcontracting alone. The GFE documentation a bidder submits to the recipient must demonstrate that the bidder made those efforts one would use if it were actively and aggressively trying to meet the contract goal but fell short. In reviewing a bidder's documented GFE, recipients must determine if the bidder identified sufficient subcontracting opportunities for DBEs to perform, made contact with the firms that were beyond pro-forma, and negotiated fairly with these firms. This information was previously collected pursuant to OMB Control No. 2105-0585.

Z. Maintaining copies of written denial letters sent to applicant firms and sending copies to DOT

When a recipient denies a certification application, the recipient must provide the applicant firm a written denial letter explaining the reasons for the decision, specifically referencing the evidence in the record that supports each reason for the denial. The recipient must maintain a copy of the denial letter. If the denied firm appeals to DOT, the recipient must send a copy of the letter to DOT. The Department reviews the administrative record, which includes the denial letter, to adjudicate the appeal. DOT issues an appeal decision that it sends electronically to the recipient and the firm. DOT and the recipient maintain an electronic copy of the decision. There is virtually no instance in which the Department will request a recipient to provide a copy of a denial letter for a firm that has not appealed. This information was previously collected pursuant to OMB Control No. 2105-0585.

AA. Requiring transit vehicle manufacturers (TVMs) to comply with the DBE

regulation's goal setting requirements

49 CFR 26.49 states that transit vehicle manufacturers awarded FTA-assisted contracts must comply with the reporting requirements of section 26.11, including the submission of Uniform Report data. TVMs must do so to remain eligible to bid on FTA assisted transit vehicle procurements. This information was previously collected pursuant to OMB Control No. 2105-0585.

BB. Removing the eligibility of a DBE firm

If a recipient finds reasonable cause to believe that a certified firm is no longer eligible for certification, 49 CFR 26.87(a)(3) mandates that the recipient gives the firm written notice of its intent to decertify it. Section 26.87(d) requires a recipient to offer the firm, in writing, an opportunity for an informal hearing at which the firm may respond to the reasons for the proposal to remove its eligibility. The recipient must maintain a verbatim record/transcript of the hearing. If a recipient reaches a final decision to decertify the firm, section 26.87(g) requires the recipient to provide the firm written notice of the decision. If the firm appeals to the Department, the recipient must provide the Department with a copy of the transcript, and on request, to the firm. Recipients must maintain copies of notices of intent to decertify, final decertification decisions, hearing transcripts, and other documents related to the decertification process described in section 26.87. Recipients must make the copies available to DOT if a decertified firm appeals to DOT. This information was previously collected pursuant to OMB Control No. 2105-0585.

2. How, by whom, and for what purpose the information is to be used. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.[1]

Respondents to this collection are recipients of DOT financial assistance, e.g., state departments of transportation and firms certified or seeking to be certified as DBEs and ACDBEs. USDOT and its operating administrations (FTA, FAA and FWHA) are the primary users of the information submitted. This information is collected electronically (via online submission) via systems (e.g., FAA Civil Rights Connect, TRAMs, CMS). Responding to any part of these collections is required to obtain or retain a benefit (i.e., to receive Federal financial assistance for

[1] Respondents to the collections described herein include primary airport recipients of FAA financial assistance, state Departments of Transportation receiving FHWA financial assistance, and transit sponsors that receive funding from the Federal Transit Administration. Each Operating Administrations uses various electronic systems to collect information. For example, for FAA, respondents submit information using the FAA Civil Rights Connect System (FAA Connect). FAA Connect is an electronic web-based FAA Office of Civil Rights external programs information system. FAA Connect has been developed as one centralized resource for the DBE, ACDBE, Title VI, and Americans with Disabilities Act (ADA) Programs records. FAA Connect provides a personal Dashboard identifying user's (respondent's) account program assignments and statuses and includes guidance and training information under Alerts and Training (also available on the home screen). The structure of the system includes an airport file (Airports) containing sections including DBE/ACDBE Programs, Goals (including a Goal Setting Tool) and Uniform Form Reports, Title VI, ADA, Compliance Reviews, Complaints, Inquiries, and Online Compliance Assessments to assist you with checking your airport's compliance. The system also includes a Document Vault and a Help Desk.

transportation development projects).

A1. ACDBE Small Business Element (Program Plan Submission)

ACDBE programs contain implementing provisions of Part 23 and measures to ensure nondiscriminatory participation of ACDBEs in concessions. Respondents submit their ACDBE programs to FAA electronically by entering a brief program and uploading their amended programs into FAA Civil Rights Connect system. The FAA evaluates these amended ACDBE programs to determine whether respondents' small business elements include all the provisions required by the regulation.

A2. ACDBE Small Business Element (SBE participation report) - reporting requirement

Section 23.26(f) also requires primary airport recipients with approved ACDBE small business elements to submit an annual report on small business participation obtained using their small business element. Recipients submit their SBE participation annually as part of a supplemental to the Part 23 Uniform Report to the FAA each year by entering the information requested on the form posted to the agency's website, available at https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program.

The purpose of the information collected from the annual report on small business participation will be used to evaluate not only the effectiveness of each respondent's element, but also whether they are actively implementing their SBEs to increase small business participation in concession opportunities, as required by §23.26(g).

B1. ACDBE active participants list – reporting requirement for firms

ACDBE and non-ACDBE firms must report the following information to airport recipients about themselves with their proposals or initial responses to negotiated procurements to concession opportunities:

- Firm name and address including ZIP code
- Firm Status as an ACDBE or non-ACDBE
- NAICS code applicable to the concession contract in which the firm is seeking to perform
- Age of firm; and
- The annual gross receipts of the firm or what gross receipts bracket they fit into.

B2. ACDBE active participants list – reporting requirement for airports

Primary airport recipients must collect this information submitted with each RFP and solicitation and report this data by entering it into a system designated and to be developed by the Department, each year following the fiscal year in which the relevant concession opportunity was awarded. Respondents may use this information to collect the most accurate data possible about the universe of ACDBE and non-ACDBEs that seek to participate in their airport concessions programs and to set their overall goals. The Department uses this data to evaluate the extent to which the ACDBE program objectives in § 23.1 are being achieved. See § 23.27(c)(1).

C. ACDBE Annual Report of Percentages of ACDBEs in Various Categories – modified reporting requirement

49 CFR § 23.27(d) requires State departments of transportation in each Unified Certification Program (UCP) established pursuant to § 26.81 to report data on certified ACDBE firms in the UCP Directory to DOT's Departmental Office of Civil Rights (DOCR) each year. Section 23.27(d) lists the information that respondents must submit:

- The number of ACDBE certification applications received from in-state and out-of-state firms and the number found eligible and ineligible
- The number of decertified firms (Total in-state and out-of-state firms decertified, Names of in-state and out-of-state firms decertified because SEDO exceeded the personal net worth cap and Names of in-state and out-of-state firms decertified for excess gross receipts beyond the relevant size standard); and
- Number of in-state and out-of-state ACDBEs summarily suspended

Respondents submit this data electronically to DOCR by logging into USDOT's Ineligibility Database located at, https://portal.dot.gov/admin/map-21-reports. The Department uses the information in this collection instrument to conduct detailed trend analyses of changes in ACDBE participation levels and assess the ACDBE program's overall success.

D. Approval of Long Term Exclusive (LTE) Agreements – existing reporting requirement

The FAA has used and will continue to use this collection of information under this section to carry out oversight responsibilities in determining whether special local circumstances warrant approval of LTE agreements and agreements that become LTE as a result of holdover tenancies. Responding to any part of this collection is required to obtain or retain a benefit (i.e., to receive Federal financial assistance for airport development projects).

E1. Determining Eligibility for Continued Counting of ACDBE Participation After Removal (decertified ACDBE firms) - reporting requirement

A decertified ACDBE must submit to airports, in writing, notice of a material change in its circumstances that affects its continued eligibility, within 30 days of its occurrence, explaining the change fully, and including a duly executed DOE with the notice. In addition, the decertified ACDBE must submit to the airport, annually on December 1, a Declaration of Eligibility, affirming that there have been no changes in the firm's circumstances affecting its ability to meet ownership or control requirements of subpart C of this part or any other material changes, other than changes regarding the firm's business size or the owner's personal net worth. All notices and DOEs submitted under this requirement are submitted in a manner (e.g. electronically or mail) determined by the recipient.

E2. Determining Eligibility for Continued Counting of ACDBE Participation After Removal (airport recipients) – recordkeeping requirement

Airport recipients must collect and maintain records of these notices and written declarations of eligibility to evaluate decertified firms' eligibility for continued counting purposes under this section. If a decertified firm becomes ineligible due to ownership or control changes, its participation will no longer count. Failure to provide a "no-change declaration" also stops the continued counting of participation of these firms.

F. Annual Report on ACDBE Participation - reporting requirement

49 CFR § 23.27 requires respondents with approved ACDBE programs to submit a ''Uniform Report of ACDBE Participation'' (Uniform Report) each year, by March 1.

Respondents will submit this information in the Part 23 Uniform Report to the FAA each year by entering the information requested on the form posted to the agency's website, available at https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program. Respondents report this data electronically by entering the information requested in form into the FAA Civil Rights Connect System. The FAA uses the additional information collected from the revised Uniform Report of ACDBE participation to enhance program oversight of recipients' ACDBE programs, better identify trends or problem areas in the program, and ensure that the ACDBE program is achieving its goal of encouraging ACDBE participation in concession-related opportunities. This information provides guidance to recipients on how to count ACDBE participation derived from joint ventures.

G. Personal Net Worth (PNW) Statement –reporting requirement

49 CFR § 26.68 requires owners of firms seeking ACDBE and DBE certification to submit to recipients a corroborating personal net worth (PNW) statement, including required attachments. Certifying agencies use the information from this form to determine whether owner(s) claiming social and economic disadvantage are, in fact, economically disadvantaged. Recipients may produce these forms to USDOT and OAs during agency-conducted compliance reviews and appeals of certification-denials pursuant to 49 CFR § 26.89. Recipients evaluate PNW Statements submitted by the socially and economically disadvantaged owner(s) of applicant firms seeking DBE and/or ACDBE certification.

H. Uniform Certification Application (UCA) – modification of existing reporting requirement

49 CFR § 26.83(a) requires recipients to ensure that only firms certified as eligible DBEs and ACDBEs under this section participate as DBEs and ACDBEs in their programs. Section 26.83(c)(2) requires recipients to use UCA without change and made available on the Department's website at https://www.Transportation.gov/DBEFORMS. Businesses that wish to

become certified as a DBE and/or ACDBE must complete this form and submit this information to recipients' certifying agencies. The precise method of submission varies by recipient, but most applications, including the notarized form and necessary attachments, are submitted electronically. The certifying agency then evaluates the UCA to determine whether the applicant firm meets the regulation's certification requirements. In so doing, a certifying agency determines whether, among other factors, that the applicant firm does not exceed the small business gross receipts caps and is owned and controlled by a socially and economically disadvantaged individual(s) whose personal net worth are not above the prescribed limit. If the recipient is satisfied by the information provided in this collection, it will certify the applicant firm as a DBE and/or ACDBE. The information provided in this collection instrument will also be used as a basis for DOT to determine whether a recipient correctly rejected an application if the rejected firm appeals the rejection to the Department.

I. Annual Affidavit of No Change (renamed Declaration of Eligibility (DOE)) – reporting requirement

49 CFR § 26.83(j) requires DBEs and ACDBEs to annually attest, under penalty of perjury, that they remain eligible for DBE and/or ACDBE certification. Since DBE and ACDBE certification does not expire, certified firms do not reapply for certification. The DOE (along with information documenting the firm's gross receipts) is the only information DBEs and ACDBEs are required to regularly submit to maintain their certification. Firms submit DOEs electronically in manner determined by the recipient certifying agency. Recipients review this form, submitted annually by certified firms on the anniversary date of their certification, to confirm that they continue to meet DBE and/or ACDBE certification requirements.

J. Maintaining and updating bidders lists – modification of existing reporting requirement

Recipients use the bidders lists to more accurately determine the availability of DBE and non-DBE firms and to measure the relative availability of ready, willing, and able DBEs when setting their overall goals under 49 CFR § 26.45. The Department seeks to revise the current bidders list requirement so that bidders lists would collectively build a data source that would allow more accurate and more granular analysis of firms actively seeking to participate in DOT-funded contracts. In addition, a searchable, centralized database with bidders list information that includes an expanded dataset would aid recipients in evaluating DBE availability for goal setting purposes. Section 26.11(c)(3) requires recipients to collect bidders list data from all bidders of federally assisted contracts by requiring firms to submit the information with their bids or initial responses to negotiated procurements. Section 26.11(c)(2) identifies the following bidders information that respondents must submit electronically to the Department's forthcoming database:

- (i) Firm name;
- (ii) Firm address including ZIP code;
- (iii) Firm's status as a DBE or non-DBE;
- (v) NAICS code applicable to each scope of work the firm sought to perform in its bid;

- (vi) Age of the firm; and
- (vii) The annual gross receipts of the firm. You may obtain this information by asking each firm to indicate into what gross receipts bracket they fit (e.g., less than $1 million; $1-3 million; $3-6 million; $6-10 million; etc.) rather than requesting an exact figure from the firm.

The purposes of this collection activity is to compile as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on your federally assisted contracts for use in helping you set your overall goals, and to provide the Department with data for evaluating the extent to which the objectives of § 26.1 are being achieved.

K. Reporting Percentages of DBEs in Various Categories (MAP-21 Data Report) – modification of existing reporting requirement

49 CFR. § 26.11(e) requires state departments of transportation in each Unified Certification Program (UCP) to report to DOT's Departmental Office of Civil Rights each year. Respondents submit this data electronically by logging into USDOT's Ineligibility Database located at, https://portal.dot.gov/admin/map-21-reports. Paragraph (e) of § 26.11 removed the requirement that respondents report the number and percentage of in-state and out-of-state DBE certifications for socially and economically disadvantaged by gender and ethnicity, given that group-based presumptions of disadvantage are no longer a part of the DBE program. Data that continues to be collected includes:

- The number of DBE certification applications received from in-state and out-of-state firms and the number found eligible and ineligible;
- The number of decertified firms (Total in-state and out-of-state firms decertified, Names of in-state and out-of-state firms decertified because SEDO exceeded the personal net worth cap and Names of in-state and out-of-state firms decertified for excess gross receipts beyond the relevant size standard):
- Number of in-state and out-of-state DBEs summarily suspended;

The Department uses this statutorily required information to respond to public and governmental questions regarding the DBE Program, determine which States may need assistance in conducting outreach to DBEs, and assist in determining whether States' DBE goals are in line with the current make-up of DBE availability.

L. Updating and maintaining State directories of DBEs and ACDBEs – modification of existing recordkeeping requirement

49 CFR 26.81(g) requires each UCP to update and maintain an electronic directory of DBE and ACDBE firms, including the following information for each firm (identified in § 26.31) in the directory:

- Business address and phone number

- Firm website(s); and
- Types of work the firm has been certified to perform as a DBE and/or ACDBE.

Respondents extract this information from the UCA applications for each certified firm and enters the above data into their online directory. The primary purpose of the directories is to show the results of the certification process, i.e., all firms that the recipient has certified. Since DBE and/or ACDBE certification pertains to the various kinds of work a firm's disadvantaged owner can control (as described in § 26.71), it is important to list those kinds of work in the directories. Prime contractors use the information to find potential DBE subcontractors.

M. DBE Open Ended Performance Plan (OEPP)

49 CFR § 26.53(e) directs recipients requesting proposals for a design-build project to require a design-builder to submit OEPP with its proposal or within 5 days. Recipients must maintain the OEPPs for a minimum of three (3) years. Recipients would use this information collection (OEPPs) to confirm whether a proposer on a design-build project has provided adequate commitment to meet the project's DBE goal by providing details of the types of work and projected dollar amounts a contractor would solicit DBEs to perform. Recipients would also review each OEPP to ensure that it includes an estimated time frame in which subcontracts with DBEs for the anticipated work categories would be executed. Once a contract is awarded, recipients would monitor the good faith efforts of the contractor to execute contracts with DBEs per the type of work and schedule in the OEPP as project details become known.

N. Mailing and maintaining copies of summary suspension notices

Paragraph (d)(1) of § 26.88 requires that if a certifier summarily suspends a firm's certification, it must immediately notify the firm of the suspension by email. When a recipient summarily suspends a firm's DBE certification, the recipient must immediately notify the firm of the suspension by certified mail, return receipt requested, to the last known address of the owner(s) of the firm. If the owner(s) responds to the notice with information demonstrating that the firm remains eligible, the recipient must respond in writing and explain how it intends to proceed.

O. Uniform Report of DBE Awards or Commitments and Payments (Uniform Report) –modification of existing reporting requirement

The Uniform Report is collected bi-annually from funding recipients of the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), and annually from FAA funding recipients, to enable DOT to conduct program oversight of recipients' DBE programs and to identify any trends or problem areas. The FAA, FHWA, and FTA all use an electronic collection system to obtain these reports. The form requires recipients to include information about their DBE goals for that year and the DBE participation they managed to achieve during that time. The collection of this information is necessary to ensure that the DBE program is achieving its goal of encouraging DBE participation in DOT-funded contracts. The Uniform Report will no longer collect race- or sex-based data.

P. Monitoring the performance of DBE program participants

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. The Department is providing this form as a tool for recipients, prime contractors, regular dealers, and distributors to use to carry out their respective responsibilities under this regulation. The form may be used by each DBE supplier whose participation is submitted by a bidder for regular dealer or distributor credit on a federally-assisted contract with a DBE participation goal. The form may also be used by prime contractors in connection with DBE regular dealer or distributor participation submitted after a contract has been awarded provided such participation is subject to the recipient's prior evaluation and approval. If this form is used, it should be accompanied by the bidder's commitment, contract, or purchase order showing the materials the DBE regular dealer or distributor is supplying. Use of this tool is not mandatory. If a recipient chooses a different method for complying with Section 26.53(c)(1), it must include that method in its DBE Program Plan.

Recipients collect the information so they can confirm at project sites that the DBE to whom the work was committed is performing the work. If OAs conduct a compliance review or investigation, they check to see if the recipient in question has the required written certifications and tallies. The Department created a form tool; however, this is optional for recipients to use and they are not required to submit the information to the Department.

Q. Updating Unified Certification Program (UCP) agreements (Submission of UCP agreements) - modification to existing reporting requirements

States often post UCP agreements online and recipients and firms rely on this information that describes how member UCP agencies will operate in accordance with the regulation. Given the breadth of changes in the new rule, the Department is reiterating in guidance that these agreements should reflect the new rule provisions and be submitted to USDOT for approval. Recipients will submit their revised UCP agreements electronically by a method to be specified in forthcoming Departmental guidance.

R. Evaluating the DBE certification eligibility of applicant firms (recording of on-site interviews) - modification to existing recordkeeping requirements

Under § 26.83, recipients must take various steps in determining an applicant's eligibility, such as performing an on-site visit to the firm's principal place of business and interviewing the SEDO, officers and key personnel. Paragraph (c)(1)(i) of this section now require certifiers to make and maintain audio recordings of their interviews, whether in a virtual or in-person. Making these recordings provide fuller context for the information on which certification decisions are based and will help to prevent misunderstandings or decisions based on paraphrases of what an interviewee says. These interviews comprise the report that certifiers must keep in their files. The Department evaluates the report (along with the other documents in the administrative record) to adjudicate the appeal. The recipient and DOT both maintain a copy of the report. The Department has found recorded interviews highly useful in deciding certification appeals. They tend to provide much more thorough and nuanced information than certifier staff summaries or paraphrases of what has been said during an interview.

S. Providing evidence of certification to an additional state when a firm certified in its home state applies to another state for certification (Interstate Certification) - modification to existing reporting requirement

Under § 26.85(c), when a firm currently certified in its jurisdiction of original certification, applies to another state (State B) for DBE certification, the firm must provide the following information to the additional UCP to obtain certification in that State:

- Cover letter requesting certification and identifying all UCPs in which the firm is certified
- An electronic image of its JOC certification; and
- A new DOE.

The new UCP must confirm the DBE's certification within 10 business days of receiving the above information. This information is necessary for the additional UCP to confirm the certification of the applicant firm. For firms that were already interstate certified prior to the October 3, 2025 IFR, they will only need to provide proof that they remain certified after their jurisdiction of original certification completes the firm's eligibility reevaluation.

T. Sending the Department a full administrative record when the Department gives notice that a denied or decertified firm appeals to the Department, and maintaining a copy of the record (Reporting) -

A recipient must provide the Department a complete administrative record within 20 days of the Department's requesting it. The Departments requests the information when a firm that that recipient denied or decertified files an appeal. Certifying agencies submit administrative records electronically through a secure file link (SFLTS) provided by the Department. A full administrative record is one that contains all the documents the recipient evaluated to make its decision. The Department reviews the documents in the administrative record to determine whether substantive evidence supports the recipient's decision, or whether to reverse or remand the decision.

U1. Reapplication for DBE/ACDBE certification based on individualized showing of social disadvantage for existing firms – new requirement

Pursuant to 49 CFR § 26.111 and 49 CFR § 23.81, existing DBEs and ACDBEs that wish to remain certified are required to undergo a reevaluation process from their respective UCP. This includes submitting a Personal Narrative that is aimed at ensuring that an individual meets the social disadvantage requirements of the regulation as revised by the IFR, without the use of any rebuttable presumptions of disadvantage based on race or sex. The reapplication process is new and is only expected to be a one-time burden for each DBE or ACDBE seeking to retain its certification.

U2. Application for DBE/ACDBE certification based on individualized showing of social disadvantage for firms seeking first-time certification – modification of existing collection

Individuals must submit a narrative describing the individual's experiences of social disadvantage and a separate narrative in which the individual describes why the individual is economically disadvantaged. This information is used by UCPs to determine whether or not an individual is socially disadvantaged, without the use of any rebuttable presumptions of disadvantage based on race or sex.

V. UCP reevaluation of applications for DBE/ACDBE certification based on individualized showing of social disadvantage – new requirement

Pursuant to 49 CFR § 26.111 and 49 CFR § 23.81, UCPs must reevaluate firms that seek to retain their DBE or ACDBE certification to ensure that they meet the revised definitions of social disadvantage. This is a new requirement and is only expected to be a one-time burden for each UCP.

W. Setting overall goals for DBE participation in DOT-assisted contracts

Setting an overall goal is essential to a narrowly tailored DBE program. The goal represents the DBE participation that would be expected in the relevant market area given the availability of DBEs as compared to actual participation. Each recipient must set a goal specific to its market area. The relevant OA reviews the goal setting methodologies, submitted by recipients triennially, to ensure that they are developed consistent with regulatory requirements and DOT official guidance. The OA review prevents recipients from using methodologies that are not narrowly tailored, and ensures the methodologies are supported by the best data available. This mitigates the risk of legal challenges to the DBE program.

X Analyzing discrepancies between Uniform Report data and recipients' overall goals (DBE Shortfall Analysis)

If a recipient does not meet its goal in any given year, it is required to analyze why it fell short. For example, were enough contract goals set? Were contract goals set high enough? Were too many contracts awarded through documented GFE instead of DBE subcontracting? After the analysis, the recipient strategizes on changes to its procedures that could minimize the shortfall in the upcoming year and sends the relevant OA a copy of the shortfall analysis.

Y. Documenting and submitting "good faith efforts" evidence to secure DBE participation – reporting requirement

Recipients analyze a bidder's GFE on a contract-by-contract basis if a bidder does not meet a contract goal through DBE subcontracting alone. The GFE documentation a bidder submits to the recipient must demonstrate that the bidder made those efforts one would use if it were actively and aggressively trying to meet the contract goal but fell short. In reviewing a bidder's documented GFE, recipients must determine if the bidder identified sufficient subcontracting opportunities for DBEs to perform, made contact with the firms that were beyond pro-forma, and negotiated fairly with these firms.

Z. Maintaining copies of written denial letters sent to applicant firms and sending copies to DOT.

When a recipient denies a certification application, the recipient must provide the applicant firm a written denial letter explaining the reasons for the decision, specifically referencing the evidence in the record that supports each reason for the denial. The recipient must maintain a copy of the denial letter. If the denied firm appeals to DOT, the recipient must send a copy of the letter to DOT. The Department reviews the administrative record, which includes the denial letter, to adjudicate the appeal. DOT issues an appeal decision that it sends electronically to the recipient and the firm. DOT and the recipient maintain an electronic copy of the decision. There is virtually no instance in which the Department will request a recipient to provide a copy of a denial letter for a firm that has not appealed.

AA. Requiring transit vehicle manufacturers (TVMs) to comply with the DBE regulation's goal setting requirements.

Setting an overall goal is essential to a narrowly tailored DBE Program. The goal represents the DBE participation that would be expected in the relevant market area given the availability of DBEs as compared to actual participation. Each TVM must set a goal specific to its market area. FTA reviews the goal setting methodologies to ensure that they are developed pursuant to regulatory requirements and DOT official guidance. FTA's review prevents the use of methodologies that are not narrowly tailored, and ensures the methodologies are supported by the best data available. This mitigates the risk of legal challenges to the DBE program.

3. Extent of automated information collection. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

All the information in this Supporting Statement can be collected electronically. DOT permits electronic submissions so that respondents have as much flexibility as possible in deciding how to collect, maintain, share, and submit information, as they are in the best position to decide what is least burdensome and most efficient for them. The IFR instructs recipients, firms, and prime contractors that email notices and submissions are to be used.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

The information in each of the collection instruments in this Supporting Statement is unique and is not available elsewhere because no other agency, including the SBA, administers the DBE or ACDBE programs. Some firms already have SBA 8(a) certification when they apply for DBE or ACDBE certification. However, the 8(a) program’s information submission and eligibility requirements are not identical.

5. Efforts to minimize the burden on small businesses. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The Department has taken several measures to minimize the burdens of information collections on small businesses.

- Evaluating the DBE certification eligibility of applicant firms

A firm certified by a recipient in a particular state is automatically eligible to participate as a DBE throughout that state pursuant to 49 CFR § 26.81; it need not apply separately to each certifying entity in that state. Previous modifications to the UCA have reduced the hours and costs burden for small businesses to fill out and submit the UCA because the Department added clarified instructions that applicants previously misunderstood and eliminating the requirement for the UCA to be notarized. Also, previous modifications to the PNW statement (part of the UCA) have decreased the hours and cost burdens for small businesses to fill out and submit the PNW Statement. The decreased burdens results from the elimination of the need of firms to notarize their annual Declaration of Eligibility (DOE), and the continuing exclusion of the requirement for socially and economically disadvantaged owners of applicant firms to calculate their retirement assets (however, owners are still required to report this information).

- Evaluating certification eligibility of DBEs and ACDBEs seeking Interstate Certification (new DBE/ACDBE firms) or retain their existing Interstate Certification (existing DBE/ACDBE firms)

The regulation at 49 CFR § 26.85 mandates that recipients accept the certification issued from the firm’s jurisdiction of original certification (JOC) (formerly termed home state). The second state in which the firm seeks certification cannot require from the firm to submit a new application package. The existing regulation places strict limits on what information the new state may require the certified firm to provide after certification in the “new state.” These measures avoid burdening firms from having to reprove their eligibility each time they want to attain certification in a new state. For firms that are under reevaluation pursuant to 49 CFR § 26.111 or 49 CFR § 23.81, the rule minimizes the material a firm must provide to another state to retain its certification.

- Removing the eligibility of DBE firms

  There are no mandatory actions a certified firm must take when a recipient tries to remove its eligibility. In those instances, recipients are required to give firms detailed written notices of the evidence on which they rely to support their ineligibility decisions. The requirement that recipients provide a focused decision prevents firms from expending undue time and money to figure out how to best respond to a recipient's decision. Under the existing rule, if a DBE wants a hearing, it must then email the certifier within 10 days of its notice of intent; a DBE can still provide written arguments and information to the certifier rebutting the reasons.

6. Impact of less frequent collection of information. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The DBE and ACDBE programs' overarching goal is to create and maintain a level playing field in contracting opportunities in the Department's highway, mass transit, and airport financial assistance programs. Both programs are necessary to prevent discrimination. The collection instruments described in this Supporting Statement are necessary to ensure that State and local recipients that let federally assisted contracts and recipients operating the ACDBE program carry out their mandated responsibility of creating a level playing field for small businesses owned and controlled by socially and economically disadvantaged individuals. Eliminating these collection instruments and/or conducting them less frequently would hinder the Department's compliance and oversight efforts.

7. Special Circumstances. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- Requiring respondents to report information to the agency more often than quarterly;
- Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- Requiring respondents to submit more than an original and two copies of any document;
- Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

49 CFR § 23.75(a) prohibits respondents from entering into LTE concessions agreements without prior FAA approval. A recipient may have to collect information required by this section on a more frequent basis than quarterly if it intends to enter into more than one LTE for concessions per year. Doing so less than quarterly would hinder the Department's efforts to monitor whether recipients are properly and fully complying with program requirements. This is critical to achieving the overarching goal of preventing discrimination in Federally funded projects.

49 CFR § 26.85(d), regarding interstate certification, provides that when a firm already certified in its jurisdiction of original certification and applies to another state (State B) for certification, State B must, within 10 days of receiving the firm's request for certification, certify the firm. The 10-day turnaround time is reasonable and is in alignment for the expedited process this section of the regulation supports. The purpose of the interstate certification regulation is to eliminate unreasonable and unnecessary barriers burdens for DBEs that apply for certification in additional states after receiving certification in their home state. DBE certification requirements are identical in every state; the interstate certification rule was developed, large part, in response to concerns by DBEs that they were required to go through a burdensome application process with each state to which they applied for certification. Firms that are seeking to retain their pre-existing interstate certification as part of the one-time UCP reevaluation process in 49 CFR §§ 23.81 and 26.111 need only provide evidence to the other state that they retained their certification after the reevaluation by their Jurisdiction of Original Certification (JOC).

Under 49 CFR § 26.89, a firm has 45 days to appeal a recipient's adverse determination. DOT notifies the recipient as soon as it receives an appeal to request that the recipient provide the entire administrative record within 20 days of DOT's request. The 20-day deadline is in the interests of justice to the firm and efficiency for all involved parties. DOCR must log the pertinent details in the appeals docket, verify the completeness of the administrative record, assign the adjudication to an analyst, conduct internal review, and then send the final decision to the recipient and firm. Ten days makes a significant difference for a firm's ability to obtain more work. Because records are electronic and recipients already have them, a 20-day turnaround time is reasonable. Recipients have not reported otherwise to the Department.

49 CFR § 26.53(b)(3) addresses the actions prime contractors must take in documenting and submitting evidence of having made good faith efforts (GFE) to secure DBE participation in DOT-assisted contracts. When prime contractors bid on DOT-assisted contracts for which a DBE contract goal has been established, they have two options for submitting documentation of their GFE. Section 25.53(b) explains the two options: (1) as a matter of responsiveness under sealed bid procedures or with initial proposals under contract negotiation procedures, or (2) no later than 7 days after bid opening as a matter of responsibility. The first option requires all bidders to provide the recipient with the required DBE commitment information at the time of bid submission. The second option allows bidders to provide the required information at some point after bid submission but before the recipient makes a contract award. Based on extensive experience and knowledge, the Department determined that allowing more than 7 days will greatly increase the risk of fraudulent practices such as bid shopping, reverse auctions, and bid peddling. These types of practices undermine the integrity of the DBE program.

8. Compliance with 5 CFR §1320.8(d). If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR §1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to those comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation is a specific situation. These circumstances should be explained.

The Department published the requisite notice requesting public comment on the new and modified collection instruments when it published the Interim Final Rule on October 3, 2025 (90 Fed. Reg. 47969-47982). The Department received multiple comments related to information collection burdens in the IFR. The Department contacted recipients and industry consultants to build the burden estimates used in these packages. This consisted of DOT's Departmental Office of Civil Rights and counterparts at the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) soliciting feedback from stakeholders, conducting internal research, and analyzing Congressional inquiries following recent DBE and ACDBE program updates.

When it issued its October 3, 2025 IFR, the Department sought comments on the revisions to these collections and comments on the new collection actions. The responses are summarized in Attachment A to this collection. Efforts to obtain burden estimates are also described below.

9. Payment or gifts to respondents. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

DOT does not provide payments or gifts to respondents.

10. Assurance of confidentiality. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

49 CFR § 26.109 (a) (applicable to both the DBE and ACDBE programs) explains that in responding to requests for information concerning any aspect of the DBE program, the Department complies with the applicable provisions of the Freedom of Information Act (FOIA). The Department may make available to the public any information concerning the DBE program in accordance with federal law. Recipients must not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and

supporting information. Recipients must, however, transmit this information to DOT in any certification appeal proceeding under § 26.89 (b) or, in the interstate certification process –to a requesting certifier in another state per § 26.85 (g). In the latter instance, the certifier must provide a complete unredacted copy of the DBE's certification materials to the additional UCP within 30 days of receiving the request.

11. Justification for collection of sensitive information. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from the information is requested, and any steps to be taken to obtain their consent.

The writing and submission of individualized narratives of social and economic disadvantage when applying for DBE certification involves collecting information that could be considered of a sensitive nature. The DBE program is intended to permit participation only by those firms that are socially and economically disadvantaged. Individuals have full discretion about how many details to provide. Recipients then evaluate the information to determine if an individual should be considered socially and economically disadvantaged. This information collection is critical for ensuring that only fully qualified firms receive DBE certification.

12. Estimate of burden hours for information requested. Provide estimates of the hour burden of the collection of information. The statement should: Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates.

Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The case of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in item 14.

The Department coordinated with the FAA, FHWA, and FTA to obtain burden estimates from a small number of respondents. The hour burden on respondents varies widely for multiple reasons. For example, some respondents have more staff/employees than others; some might have a staff of 25 while others have only 2 employees.

In an effort to ensure that the methodology for calculating cost burdens is consistent with the most recent information collections for the DBE and ACDBE programs, the Department is adjusting the cost burden information for the burdens identified in the IFR. The time burden identified in the IFR remain unchanged. The Department is also modifying the time and cost estimate under another existing information collection that was not updated in the IFR's PRA section, the MAP-21 data collection for DBEs, given that it is an identical requirement to information collection entitled "ACDBE Annual Report of percentages of ACDBEs in various categories," but for DBEs. Given that the data collection between these two collection instruments is the same except for who it is collected from (DBEs vs. ACDBEs), and the fact that existing information collections have adopted identical time burdens for these instruments, the Department's modification of the MAP-21 data collection in the Final Rule will reflect the same time burdens as the ACDBE Annual Report of percentages of ACDBEs in various categories.

The revised methodology for adjusting the costs for the updated cost estimates that will be used in the Final Rule appear below, along with an updated chart and itemized list of collection instruments modified by the IFR and Final Rule.

Recipient staff and disadvantaged firm owner/applicant hourly wage rates matches the BLS OEWS Industry-Specific Occupational Employment and Wage Estimates.

A recipient's employee's wage rate is based on BLS' estimate of a Transit Agency Compliance Officer at $31.31/hour (see Urban Transit Systems - May 2024 OEWS Industry-Specific Occupational Employment and Wage Estimates (bls.gov)). The wage rate is multiplied by 1.62 to get a fully loaded wage rate (i.e., compensation rate) of $50.72 to account for the cost of employer provided benefits.

Airport employee wage rate taken from BLS' estimate of a Compliance Officer in Air Transportation at $41.95/hour (see Support Activities for Air Transportation - May 2024 OEWS Industry-Specific Occupational Employment and Wage Estimates (bls.gov)). The wage rate is multiplied by 1.62 to get a fully loaded wage rate (compensation rate) of $67.95 to account for the cost of employer provided benefits.

For socially and economically disadvantaged business owners (SED), this analysis uses a wage rate without additional benefits, as a SEDO would pay the benefits to themself. Occupational Employment and Wages, May 2024, 13-0000 Business and Financial Operations Occupations (Major Group), Hourly Wage, 50% Median, $38.90. See https://www.bls.gov/news.release/pdf/ocwage.pdf

The following table summarizes the burden estimates calculated:

Burden Summary

Collection Instrument	Affected Public	Number of Respondents	Frequency of Response	Estimated Average Annualized Hours Burden Per Response	Estimated Total Annualized Hours Burden	Annualized Burden Hours Estimate Source	Estimated Annualized Cost for Respondents Based on Wage Rate Category
A1. ACDBE Small Business Element (Program Plan Submission)	Primary Airports	396	1 per year	5.6	2,217.6	Average of 3 stakeholder responses ranging from 3–80 hours	$150,685.92
A2. ACDBE Small Business Element (SBE participation report) -	Primary Airports	396	1 per year	12	4,752	Based on subject matter expertise, the FAA estimates an average annualized burden of 12 hours per response.	$322,898.40
B1. ACDBE active participants list	Primary Airports	396	once each year	42 per airport	16,632	Average of three airport responses ranging from 16 – 60 hours	$1,130,144.40
B2. ACDBE active participants list	ACDBE and non-ACDBE firms	3,945	once each year	.5 per ACDBE and non-ACDBE	1,972.5	Based on subject matter expertise, the FAA estimates a 30-minute burden per response.	$76,730.25
C. ACDBE Annual Report of Percentages of ACDBEs in Various Categories – modified reporting requirement	49 State Departments of Transportation, District of Columbia, Virgin Islands and Puerto Rico	53	once each year	260 hours	13,780	The annual reporting requirement of percentages of ACDBEs in various categories is the equivalent to the MAP-21 reporting requirement in 49 CFR Part 26; thus, the DOT forecasts that this new requirement for 49 CFR Part 23 would have identical hours and cost burdens to those of 49 CFR Part 26. The estimated burden has been reduced in proportion to the reporting requirements that were removed under the IFR.	$698,921.60

D. Approval of Long Term Exclusive (LTE) Agreements	Recipients of FAA grants for Airport Development	7	18 per year	9.66	1,217.16	The FAA contacted 3 recipients to estimate the difference in total annual burden hours between the current requirement and the proposed modification of the requirement. The responses received indicated a decrease in the estimated average annualized hour burden per response ranging from 4–16 hours; the average reduction in average annualized hours burden per response is 8.66. Of the three recipients, the FAA received one response on the burdens associated with subjecting to the rule, exclusive agreements that become long-term as result of holdover arrangements. The response indicated an additional burden of one hour per response, increasing the average annualized burden per response to 9.66. The respondent also indicated that the modification holdovers would increase the frequency of agreements subject to the rule to 18 per year.	$82,706.02
E1. Determining Eligibility for Continued Counting of ACDBE Participation After Removal (decertified ACDBE firms) - existing reporting requirement	Certified ACDBEs whose eligibility had been removed due to exceeding the PNW cap or size standard during the term of a concession agreement.	1,233	Once each year.	.5	616.5	Based on subject matter expertise, the FAA estimates the average annual burden hours required for each ACDBE firm to complete and submit the DOEs under this proposed rule is .5 hours (30 minutes). The FAA estimates that there is a total of 3,700 certified ACDBE firms per year. However, the FAA estimates only a third of ACDBEs have their eligibility removed due to exceeding the PNW cap or size standard during the term of the concession agreement and are subject to this requirement	$23,981.85
E2. Determining Eligibility for Continued Counting of ACDBE Participation After Removal (airport recipients)	Primary airports	396	Once each year.	1	396	The FAA received estimated burden hours from three recipients, one of each hub size (small, medium and large). Of the three, we only received one response directly on the burden associated with collecting the DOEs from ACDBE firms decertified during the term of the concession agreement. Based on this response, the	$ 26,908.20

						FAA estimates each airport has only one ACDBE firm that will have its eligibility removed due to exceeding the PNW cap or size standard during the term of the concession agreement per year. The FAA also estimates it takes approximately 1 hour for each airport to collect and log each DOE from decertified ACDBE firms.	
F. Annual Report on ACDBE Participation	Recipients of FAA grants for Airport Development.	396.	Once per year.	5	1,980	Based on subject matter expertise, the FAA estimates the average annual burden hour per response is 5 hours to implement the modified information collections to the Part 23 Uniform Report.	$134,541.00
G. Personal Net Worth (PNW) Statement	DBE and ACDBE certification applicants	4,375	Once each year	8	35,000	DOT contacted consultants who assist applicant firms apply for certification, are therefore familiar with the overall requirements of the PNW statement and are also familiar with the time required to get the PNW statement notarized.	$1,361,500
H. Uniform Certification Application (UCA) – modification of existing reporting requirement	DBE and ACDBE certification applicants	4,375	once per year	35	153,125	DOT is familiar with the time required for completing the UCA from speaking with consultants who assist applicants fill out and submit their UCA. In addition, firms periodically contact DOT about how generally time- intensive the process is; however, they do not provide actual numbers of hours or costs.	$5,956.562.50
I. Annual Affidavit of No Change (renamed Declaration of Eligibility (DOE))	DBE and ACDBE firms	45,525	once each year	.5	22,762.5	In preparing the renewal request to OMB (see below for details), DOT contacted five consultants who are familiar with what this collection instrument involves. One consultant responded. Based on discussion with that consultant, DOT reached the estimate associated with the proposed modification.	$885,461.25
J. Maintaining and updating bidders lists – modification of existing reporting requirement	DOT funding recipients	1,639	3 times each year	6	29,502	Based upon consultation with four recipients and modifications to those estimates based on reduced reporting requirements under the IFR, we estimated	$1,496,341.44

						6 hours to complete each response.	
K. Reporting Percentages of DBEs in Various Categories (MAP-21 Data Report) –modification of existing reporting requirement	State departments of transportation, District of Columbia, Virgin Islands and Puerto Rico	53	Once each year	260	13,780	The Department contacted a small number of State departments of transportation for the original estimate, which has been further reduced in proportion to the reporting requirements that were removed under the IFR.	$698,921.60
L. Updating and maintaining State directories of DBEs and ACDBEs	Certifying agencies of DOT funding recipients	132	Frequency of response: 5 times each year	.25	165	The Department calculated the average of 3 recipient responses ranging from 12–180 hours. Based on subject matter expertise, DOT believes the recipients' responses included both regulatory burdens and PRA-related burdens.	$8,368.80
M. DBE Open Ended Performance Plan (OEPP)	Recipients of FHWA funds that let design-build contracts.	50	200 times each year	3	30,000	The Department calculated the average of 3 recipient responses ranging from 12–180 hours. Based on subject matter expertise, DOT believes the recipients' responses included both regulatory burdens and PRA-related burdens.	$1,521,600.
N. Mailing and maintaining copies of summary suspension notices	Certifying agencies of DOT funding recipients	136	5 times each year	.25	170	The Department calculated the average of 3 recipient responses ranging from 12–180 hours. Based on subject matter expertise, DOT believes the recipients' responses included both regulatory burdens and PRA-related burdens.	$8,622.40
O. Uniform Report of DBE Awards or Commitments and Payments (Uniform Report) –modification of existing reporting requirement	DOT funding recipients	1,639	1.5 per year (FAA recipients submit their report once a year; FWHA and FTA recipients submit their report twice per year.)	317	799,344.50	DOT looked at the estimate it calculated in 2024 and accounted for changes to the information fields exist in the proposed modifications to this collection instrument The Department does not expect changes to this burden given that the race-conscious and race-neutral data has been exchanged for the collection of DBE-conscious and DBE-neutral data.	$39,536,392.16

P. Monitoring the performance of DBE program participants	Recipients of DOT funds	1,198	36 times per year	45 hours	1,940,760	The Department received estimates which the average of six recipient responses ranged from 45–2000 hours. We used the lowest figure provided due to other higher estimates including non-PRA related burdens.	$98,435,347.2
Q. Updating Unified Certification Program (UCP) agreements (Submission of UCP agreements) - modification to existing reporting requirements	Recipients of DOT funds	53	Once per year	50	2,650	This is the average of two recipient responses.	$92,140
R. Evaluating the DBE certification eligibility of applicant firms (recording of on-site interviews) - existing recordkeeping requirements	Recipients of DOT funds that perform DBE certification functions	132	7,535 times per year	2	1,989,240	This is the average of three recipient responses.	$676,944.40
S. Providing evidence of certification to an additional state when a firm certified in its home state applies to another state for certification (Interstate Certification) - existing reporting requirement	DBE/ACDBE firms applying for interstate certification	4,100	Once	1 hour	4,100	The Department is familiar with the amount of time it takes to collect evidence of home state certification and transmit it electronically to additional state based on past stakeholder feedback regarding interstate certification.	$159,490
T. Sending the Department a full administrative record when the Department gives notice that a denied or decertified firm appeals to the Department, and maintaining a copy of the record (Reporting)	Certifying Agencies who are party to DOT appeals	50	3 times per year	3 hours	450	This adopted a lower burden hour of three recipient responses ranging from 2–200 hours. The large variation in estimates were due to individuals surveyed including non-PRA related burdens.	$20,227.50

U1. Reapplication for DBE/ACDBE certification based on individualized showing of social and economic disadvantage – new requirement	Firms seeking to maintain their DBE or ACDBE certification.	41,000	One time per respondent	20 hours	820,000	The Department has previously studied the time burden for applying for certification, which is used as a basis for this estimate of the burden of writing a Personal Narrative to show individualized disadvantage.	$31,898,000
U2. Application for DBE/ACDBE certification based on individualized showing of social disadvantage for firms seeking first-time certification –existing collection	Firms applying for first-time certification	4,375	Once per year	40 hours	175,000	The Department consulted with two experts who assist firms with the application process. Based on comments on the IFR regarding the burden associated with this process, the Department believes this estimate is appropriate. fThis burden now applies to all first-time individually-owned firm applicants due to the elimination of rebuttable presumptions.	$6,807,500
V. UCP reevaluation of applications for DBE/ACDBE certification based on individualized showing of social and economic disadvantage – new requirement	UCPs	53	One-time reevaluation of 41,000 applicant firms (equates to average of 773.58 per respondent)	2 hours	82,000 (one-time burden)	This estimate assumes an average burden of two hours to complete a review and make a disposition for each DBE/ACDBE certification application and reflects the limited nature of the certification reevaluations in proportion to the overall burden for evaluating the DBE certification eligibility of first-time applicant firms. For clarification, the reference to the average of three stakeholder responses ranging from 240-2,000 hours in Section H.I. of the IFR referred to this collection instrument (H.II.) and represents the estimated total number of hours, not a per-application estimate.	$4,149,040 (one-time cost)
W. Setting overall goals for DBE participation in DOT-assisted contracts – modification to existing requirement	DOT funding recipients	1,639	Once every 3 years	6.67 hours	10,932	This estimate reflects a 10% increase from previous consultation with two experts to determine estimate burden hours to account for changes to goal setting process.	$599,987.57
X. Analyzing discrepancies between Uniform Report data and recipients' overall	DOT funding recipients	450	Once per year	650 hours	292,500	This is the average of seven stakeholder responses ranging from 3 – 2,000 hours.	$14,835,600.00

goals (DBE Shortfall Analysis)							
Y. Documenting and submitting “good faith efforts” evidence to secure DBE participation – reporting requirement	Recipients of DOT funds	1,198	72 times each year	1 hour	86,256	This is the average of five recipient responses ranging from 2 – 192 hours.	$4,374,904.32
Z. Maintaining copies of written denial letters sent to applicant firms and sending copies to DOT – recordkeeping requirement	Recipients of DOT funds that perform DBE certification functions	132	2.5 times each month	112 hours	36,960	This is the average of three recipient responses within a very narrow range.	$1,874,611.20
AA. Requiring transit vehicle manufacturers (TVMs) to comply with the DBE regulation’s goal setting requirements.	FTA recipients	328	33 times per year	1.1 hours	11,906	This is the average of three recipient responses ranging from 1 – 40 hours.	$604,582.40
BB. Removing the eligibility of a DBE firm	Recipients of DOT funds that perform DBE certification functions	38	53 times each year	116 hours	233,624	This is the average of three recipient responses ranging from 60 – 180 hours.	$11,849,409.28
				TOTAL BURDEN HOURS	6,793,791	**TOTAL COST BURDEN:**	$220,393,469.16]

13. Estimate of the total annual costs burden. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the costs of any hour burden shown in items 12 and 14).

- The cost estimates should be split into two components: (A) a total capital and start-up cost component (annualized over its expected useful life); and (B) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rates(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use current economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The instruments described in this supporting statement do not require any respondents to obtain equipment or services beyond what is part of their customary and usual business or private practices. Information about capital and start-up costs and operation and maintenance and purchase of services is not available, as costs to recipients and firms are not broken out in any way that allows the Department to identify costs specific to each instrument. Cost burdens associated with specific hour burdens are already captured in the responses to Question 13.

14. Estimates of costs to the Federal Government. Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate costs, which should include quantification of hours, operational expenses such as equipment, overhead, printing, and support staff, and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from items 12, 13, and 14 in a single table.

Not all the instruments in this information collection have paperwork-related involvement from the Federal government. Those that do are identified in the list and chart that follows the DBE and ACDBE program annualized cost methodologies.

The Department has not made any changes to the hour burdens to the Federal Government in response to the IFR. The adjustments to the annualized costs identified below solely reflect wage increases since OMB Control No. 2105-0585 and 2105-0586 were last submitted based on the most up-to-date Federal Government employee compensation rates.

DBE Program Estimated Annualized Costs

Employees who are involved with the DBE program are located throughout the United States including Los Angeles, CA, Washington, D.C., and New York, NY. To measure the burden on the federal government, this analysis estimates a DOT employee's wage rate based on the average wage rate of the 2026 General Schedule Locality Pay Tables, Hourly Rate GS-13 Step 05 wage rate for these locations. The average hourly compensation rate for a DOT employee who works on DOT's programs is $67.21. https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2026/general-schedule/ Including a compensation factor of 1.75, the DOT employee's compensation rate is $117.62.

ACDBE Program Estimated Annualized Costs

FAA employees who are involved with the ACDBE program are also located throughout the United States, including Los Angeles, CA, Washington, D.C., and New York, NY.[2] This analysis estimates an FAA employee's wage rate in the same manner as an FAA employee involved with the DBE Program.

To measure the burden on the Federal government, this analysis estimates a FAA employee's wage rate based on the average wage rate of the 2026 Core Compensation Plan Pay Band. The equivalent Pay Band hourly wage rate for GS-13 Step 5 in Los Angeles, CA, Washington, DC, and New York, NY, which is the GS-pay scale used in previous Federal government cost estimates for DBE-related information collections, is $64.54. Including a compensation factor of 1.75, an FAA employee's compensation rate is $112.95.

ACDBE small business element (Annual Reporting)
Resource: Equal Opportunity Specialist
Pay grade: FV-I Band at $112.95/hour
Estimated time to review each response: .25 hours (15 minutes)
Estimated annualized hours burden: 99
Estimated annualized cost burden: $ 11,182.05

ACDBE small business element (Program Plan Submission)
Resource: Equal Opportunity Specialist
Pay grade: FV-I Band at $112.95/hour
Estimated time to review each response: 3 hours
Estimated annualized hours burden: 1,188
Estimated annualized cost burden: $ 134,184.60

ACDBE active participants list (Annual Reporting)
Resource: Equal Opportunity Specialist
Pay grade: FV-I Band at $112.95/hour

[2] FHWA and FTA employees are not involved with the ACDBE Program.

Estimated time to review each response: 2 hours
Estimated annualized hours burden: 396
Estimated annualized cost burden: $ 44,728.20

LTE Agreements (Reporting)
Resource: Equal Opportunity Specialist
Pay grade: GS-13 Step 5 at $117.62 /hour
Estimated time to review each response: 1 hour
Estimated annualized hours burden: 126
Estimated annualized cost burden: $ 14,820.12
ACDBE Uniform Report (Reporting)
Resource: Equal Opportunity Specialist
Pay grade: FV-I Band at $112.95/hour

Estimated time to review each response: 1.25 hours
Estimated annualized hours burden: 495
Estimated annualized cost burden: $55,910.25

Maintaining and updating bidders lists (Reporting) –modification of existing requirement
Resource: Equal Opportunity Specialist
Pay grade: GS-13 Step 5 at $117.62 /hour
Estimated time to review each response:.5 hours (30 minutes)
Estimated annualized hours burden: 2,458.50 hours
Estimated annualized cost burden: $289,168.77

Reporting Percentages of ACDBEs/DBEs in Various Categories (ACDBE & MAP-21 Data Report) –modification of current form
Resource: Equal Opportunity Specialist
Pay grade: GS-13 Step 5 at $117.62 /hour
Estimated time to review each response: .75 hours (52 responses)
Estimated annualized hours burden: 39 hours
Estimated annualized cost burden: $4,587.18

DBE Uniform Report (Reporting) –modification of current form
Resource: Equal Opportunity Specialist
Pay grade: GS-13 Step 5 at $117.62 /hour
Estimated time to review each response: 1.25 hours
Estimated annualized hours burden: 3,073
Estimated annualized cost burden: $361,446.26

Updating Unified Certification Program (UCP) Agreements (Reporting)
Resource: Equal Opportunity Specialist
Pay grade: GS-13 Step 5 at $117.62 /hour
Estimated time to review each response: .5 hours
Estimated annualized hours burden: 180
Estimated annualized cost burden: $21,171.60

<u>UCP Record Submission to USDOT When Firms Appeal Adverse Decisions (Reporting) - Modified Collection</u>
Resource: Equal Opportunity Specialist
Pay grade: GS-13 Step 5 at $117.62 /hour
Estimated time to review each response: 40 hours
Estimated annualized hours burden: 7,200
Estimated annualized cost burden: $846,864.00

<u>Analyzing discrepancies between Uniform Report data and recipients' overall goals (DBE Shortfall Analysis)</u>

Resource: Equal Opportunity Specialist
Pay grade: GS-13 Step 5 at $117.62 /hour
Estimated time to review each response: 7
Estimated annualized hours burden: 174
Estimated annualized cost burden: $20,465.88

<u>Mailing and maintaining copies of summary suspension notices</u>

Resource: Equal Opportunity Specialist
Pay grade: GS-13 Step 5 at $117.62 /hour
Estimated time to review each response: 30 minutes
Estimated annualized hours burden: 6 hours
Estimated annualized cost burden: $705.72

<u>Sending the Department a full administrative record when the Department gives notices that a denied or decertified firm appeal to the Department and maintaining a copy of the record</u>

Resource: Equal Opportunity Specialist
Pay grade: GS-13 Step 5 at $117.62 /hour
Estimated time to review each response: 1
Estimated annualized hours burden: 12 hours
Estimated annualized cost burden: $1,411.44

<u>Removing the eligibility of a DBE firm</u>

Resource: Equal Opportunity Specialist
Pay grade: GS-13 Step 5 at $117.62 /hour
Estimated time to review each response: 1
Estimated annualized hours burden: 12 hours
Estimated annualized cost burden: $1,411.44

Table of Cost Estimates to the Federal Government

COLLECTION INSTRUMENT	ESTIMATED REVIEW TIME PER RESPONSE	ESTIMATED ANNUALIZED HOURS BURDEN	ESTIMATED ANNUALIZED COST BURDEN
1. ACDBE small business element (Annual Reporting)	.25	99	$11,182.05
2. ACDBE small business element (Program Plan Submission)	3	1,188	$134,184.60
3. ACDBE active participants list (Annual Reporting)	. 2	396	$44,728.2083
4. Requirements Relating to Approval of LTE Agreements (Reporting)	1	126	$14,820.12
5. ACDBE Uniform Report (Reporting)	1.25	495	$55,910.25
6. Maintaining and updating bidders' lists (Reporting)	.5	2,458.50	$289,168.77
7. Reporting Percentages of ACDBEs/DBEs in Various Categories (ACDBE & MAP-21 Data Report) (52 responses)	.75	39	$4,587.18
8. DBE Uniform Report (Reporting)	1.25	3,073	$361,446.26324
9. Updating Unified Certification Program (UCP) Agreements (Reporting)	.5	180	$21,171.60
10. UCP Record Submission to USDOT When Firms Appeal Adverse Decisions (Reporting)	40	7,200	$846,864.00
11. Analyzing discrepancies between Uniform Report data and recipients' overall goals (DBE Shortfall Analysis)	7	174	$20,465.88
12. Mailing and maintaining copies of summary suspension notices	30	6	$705.72
13. Sending the Department a full administrative record when the Department gives notices that a denied or decertified firm appeal to the Department and maintaining a copy of the record	1	12	$1,411.44
14. Removing the eligibility of a DBE firm	1	12	$1,411.44
TOTAL	87.50	15,458.50	$1,808.057.52

15. Explanation of the program change or adjustments. Explain the reasons for any program changes or adjustments reported in items 13 or 14.

Reapplication for DBE/ACDBE certification based on individualized showing of social disadvantage for existing firms: This information collection is necessary ensure that participation in the DBE/ACDBE program is limited to disadvantaged individuals without the reliance on race and sex-based presumptions of disadvantage. This collection is consistent with the collection instrument previously identified as "Writing and submitting narratives of social and economic disadvantage when applying for DBE certification based on an individualized showing of disadvantage," though it includes a one-time burden that applies to existing DBE and ACDBE firms.

UCP reevaluation of applications for DBE/ACDBE certification based on individualized showing of social disadvantage: The reevaluation of firms that seek to retain their DBE or ACDBE certification is necessary to ensure that they meet the revised certification requirements and that their continued participation in these programs is not based on unconstitutional presumptions of disadvantage.

Reporting Percentages of DBEs in Various Categories (MAP-21 Data Report): Submission of the MAP-21 Data Report is required by § 26.11(e).

ACDBE Annual Report of Percentages of ACDBEs in Various Categories: The existing collection has been modified a result of eliminating the race- and sex-based reporting requirements for bidders' lists, in addition to eliminating the requirement to report data related to applications for and determinations of individualized social and economic disadvantage.

Other adjustments to the annualized costs identified below solely reflect wage increases since OMB Control No. 2105-0585 and 2105-0586 were last submitted based on the most up-to-date Federal Government employee compensation rates.

Providing evidence of certification to an additional state when a firm certified in its home state applies to another state for certification (interstate certification): The documentation provided by the firm evincing proof of successful reevaluation by the firm's home state is necessary to ensure that only eligible firms under the revised regulation remain certified under interstate certification procedures.

Maintaining and updating bidders' lists: The existing requirement that recipients must collect race and gender information for firms' majority owners in their bidders' lists has been eliminated due to the fact that the DBE program is no longer a race- or sex-conscious program.

16. Publication of results of data collection. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The only collections of information whose results are published are UCP directories which are available on UCP websites. Firms ineligible for ACDBE/DBE certification are posted online at DOT's ineligibility database. Generally, state UCPs immediately update firm information in their directories upon approval of a firm's certification application.

The results of all other collections of information are not published.

17. Approval for not displaying the expiration date of OMB approval. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

DOT is not seeking this approval.

18. Exceptions to the certification statement. Explain each exception to the certification statement "Certification for Paperwork Reduction Act Submissions."

There are no such exceptions in this information collection.