



NCTCOG Transportation

# Disadvantaged Business Enterprise Program – Fiscal Year 2026 - 2028 Goal Update

Public Meeting

July 14, 2025

# FY2026-2028 DBE Goal Update

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Introduction

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DBE Program Overview

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DBE Goal Update Process

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Projected DBE Goal

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Schedule

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Questions & Answers



# DBE Program Overview



Ensure Non-discrimination



Create a Level Playing Field/Fair Competition



Narrowly Tailor Program to Meet Federal Law



Ensure DBE Firms Meet Required Eligibility Standards



Help Remove Barriers to DBE Participation



Assist in Development of Firms to Compete Outside of the DBE Program



# DBE Program Authority

What is current statutory/regulatory authority for DBE Program?

Statutory: Reauthorized in 2021 through Infrastructure Investment and Jobs Act

Regulatory: 49 Code of Federal Regulations Part 26

Federal Transit Administration Master “Grant” Agreement 33, Amended April 25, 2025

Who is required to have a DBE Program?

Certain Recipients of Federal Funds (FTA, FHWA, FAA)

When is the DBE Goal updated?

Updated DBE goal every three years (new goal due August 1, 2025)

What is the current DBE Goal?

Current Goal of 17% active through September 30, 2025, covered FY 2023-2025

How are DBE Firms Certified?

Firms are Certified through the Texas Unified Certification Program



# Context of DBE Goal Update

## Mid-America Milling Company vs. USDOT

Mid-America filed a lawsuit in the U.S. District Court in Eastern District of Kentucky in 2023 challenging the constitutionality of the DBE program.

Challenge is based on the use of race- and sex-based presumptions under the equal protection component of the Due Process Clause of the 5th Amendment.

Proposed Joint Consent Order filed with the Court (May 28, 2025)

Defendants (USDOT) are stipulating the DBE Program's use of race- and sex-based presumptions are unconstitutional.

USDOT re-evaluated prior position based on Supreme Court's decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*

Various Minority Contracting Associations have been granted authority to intervene and are opposing the Entry of the Joint Consent Order



# Process to Update DBE Goal

✓ Project Potential Contract Awards (FY 26-28)

DBE Goal Development

- ✓ Step 1: Determine Ready, Willing and Able DBE Firms
- Step 2: Consider Adjusting Based on Other Data (in progress)

➡ Initiate Public Input/Stakeholder Involvement

Publish Goal for Public Comment/Review

Committee Review/Consideration

Implement New DBE Goal – October 1, 2025



# FY26-28 Potential Awards (Step 1)

## *NCTCOG and Subrecipients*

Procurement Type	Potential Awards (in \$1,000s) FTA	Potential Awards (in \$1,000s) FHWA	Potential Awards (in \$1,000s) Other	Potential Awards (in \$1,000s) TOTAL
Construction	\$1,621	\$0	\$957	\$2,578
Marketing, Advertising, and Public Relations	\$126	\$390	\$0	\$516
Office Supplies & Equipment (Rental & Purchase)	\$758	\$0	\$0	\$758
Operational Administrative, Communications, Support Services	\$8,101	\$0	\$460	\$8,561
Planning/Engineering	\$975	\$4,618	\$595	\$6,188
Software and Ancillary Information Technology Professional Services	\$990	\$2,050	\$150	\$3,190
Transportation Equipment	\$0	\$19,592	\$3,225	\$22,817
Vehicle Maintenance and Operations Support	\$7,093	\$0	\$0	\$7,093
<b>TOTAL</b>	<b>\$19,664</b>	<b>\$26,650</b>	<b>\$5,387</b>	<b>\$51,701</b>



# Preliminary DBE Availability Analysis (Step 1) *NCTCOG and Subrecipients*

Procurement Type	Potential Awards (in \$1,000s)	DBE Firms	Total Firms	DBE Goal
Construction	\$2,578	3,947	1,2692	31.1%
Marketing, Advertising, and Public Relations	\$516	351	1,503	23.4%
Office Supplies & Equipment (Rental & Purchase)	\$758	13	870	1.5%
Operational Administrative, Communications, Support Services	\$8,561	973	13,968	7.0%
Planning/Engineering	\$6,188	1,520	4,920	30.9%
Software and Ancillary Information Technology Professional Services	\$3,190	472	5,235	9.0%
Transportation Equipment	\$22,817	103	4,910	2.1%
Vehicle Maintenance and Operations Support	\$7,093	74	2,416	3.1%
TOTAL	\$51,701	7,453	46,514	16%
<b>Total Weighted Summary</b>				<b>8.6%</b>





# Schedule

TASK	DATE	STATUS
Consultation Meeting with DBE Stakeholders	June 20	✓
STTC Meeting: Information Item on Proposed Goal	June 27	✓
RTC Meeting: Information Item on Proposed Goal	July 10	✓
Public Meeting on DBE Goal Update Process & Opening of Public Comment Period	July 14	✓
Procurement/DBE Networking Open House	July 22	
Executive Board Meeting: Information on Proposed Goal	July 24	
STTC Action: Approval of DBE Goal	July 25	
Submit Draft Electronically to FTA	August 1	
End of Public Comment Period	August 14	
RTC: Action Item on DBE Goal	August 7	
Executive Board: Action Item on DBE Goal	August 28	
Submit Final Approved DBE Goal to FTA	August 22	
DBE Program Update and Goal Effective	October 1	



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