

NCTCOG Transportation

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

Public Meeting July 14, 2025

FY2026-2028 DBE Goal Update	
Introduction	
DBE Program Overview	
DBE Goal Update Process	
Projected DBE Goal	
Schedule	
Questions & Answers	
DBE Program – Fiscal Year 2026-2028 Goal Update	2



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)

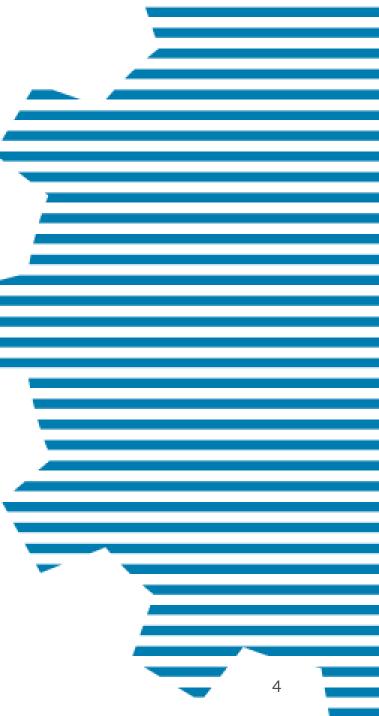
What is the current DBE Goal?

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 sexbased 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)



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	\$O	\$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	\$O	\$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	\$O	\$19,592	\$3,225	\$22,817
Vehicle Maintenance and Operations Support	\$7,093	\$0	\$0	\$7,093
TOTAL	\$19,664	\$26,650	\$5,387	\$51,701



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%
Total Weighted Summary				8.6%
DBE Program – Eiscal Year 2026-2028 Goal Update				0

Schedule

TASK	DATE	STATUS
Consultation Meeting with DBE Stakeholders	June 20	\checkmark
STTC Meeting: Information Item on Proposed Goal	June 27	\checkmark
RTC Meeting: Information Item on Proposed Goal	July 10	√
Public Meeting on DBE Goal Update Process & Opening of Public Comment Period	July 14	\checkmark
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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