FREQUENTLY ASKED QUESTIONS (FAQS)
RACE-NEUTRAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

1. What is the difference between a race-neutral DBE program and a race-conscious DBE program?
   A race-conscious DBE program is one where there is an overall DBE goal reflective of DBE utilization across all projects, which DOT&PF and its contractors must meet, and where DOT&PF will use DBE contract goals on individual projects as a means to meet it. A race-neutral DBE program is one where there is an overall DBE goal that contractors and DOT must meet; however, the contract is NOT reliant or restricted based on this goal.

   What this means for contractors is that while you will not have to meet a DBE contract goal as a condition of award, it is yours and DOT&PF’s responsibility to meet the annual overall DBE goal of 8.46% DBE participation.

2. Does the change from a race-conscious DBE Program to a race-neutral DBE Program affect existing contracts?
   No. Only contracts advertised after July 1, 2015 are affected by the change to a race-neutral DBE program.

3. Do we still need to report DBE Commitments and DBE Utilization under the new race-neutral DBE program?
   Yes, DBE commitments and DBE utilization are still required under a race-neutral program. Collecting data on DBE participation is a federal requirement, and will allow DOT&PF to continue improving the DBE program.

4. What does the overall FHWA DBE Utilization Goal of 8.46% really mean?
   The overall DBE goal of 8.46% represents the total DBE participation rate relative to non-DBE participation, across all FHWA-assisted contracts awarded during the federal fiscal year that DOT&PF in collaboration with its contractors must meet.

5. Why is the Northern Region setting goals on FAA-funded contracts, when the Central and Southcoast Regions are race-neutral on FAA contracts?
   Because DBEs have historically been underutilized on FAA-funded contracts at airports in the Northern Region, race-conscious contract goals will be used as a means of increasing DBE utilization on these contracts.

6. Since all FHWA-funded contracts and contracts funded by FAA in two regions are currently operating under a race-neutral DBE program, what happens if the overall race-neutral DBE goals are not met?
   If the overall DBE goals are not met or sufficient good faith efforts to meet those goals have not been made, DOT&PF will implement race-conscious contract goals.

7. How does the Central Region Waiver affect race-neutral DBE Utilization?
   Under a race-neutral program all DBE participation, including non-minority women-owned DBEs in the Central Region, will be counted equally toward the overall DBE goal.
8. What about the Plan Holders Self-Registration List (PHSRL)?

   *The PHSRL will continue to serve as a portal for prime contractors to connect with DBEs and small businesses interested in working on projects.*

9. Are Good Faith Efforts (GFE) requirements still applicable under a DBE Program?

   *Bidders must submit GFE documentation for Federal-aid projects; although evaluation of GFE for sufficiency is not a condition of award, documenting GFE is required and is necessary for the Department’s and FHWA’s determination of compliance with regulations.*

   *For GFE purposes, contact DBEs listed in the Department’s Plan Holders Self-Registration List for the particular project being bid at least 7 calendar days prior to bid opening to solicit their interest. Log each contact with a DBE firm on a Contact Report Form (Form 25A-321A).*