

VIRGINIA UNIFIED CERTIFICATION PROGRAM (UCP)
Frequently Asked Questions: The Interim Final Rule (IFR) and Disadvantaged Business
Enterprise (DBE) Program
(2/3/26)

A. GENERAL

1. When did the IFR become effective?

The IFR was published in the Federal Register on October 3, 2025, and became effective that day.

2. What does the IFR require recipients of federal-aid highway funds, federal transit funds, or airport funds to do?

The IFR requires recipients of federal-aid highway funds, federal transit funds, or airport funds, such as VDOT, to pause their DBE programs until the Unified Certification Program (UCP) completes its review in accordance with the IFR.

3. What does the IFR require UCPs to do?

The IFR requires UCPs, such as the Virginia Department of Small Business and Supplier Diversity (SBSD) and the Metropolitan Washington Airport Authority (MWAA) as Virginia's DBE/ACDBE certifying agencies, to review and recertify all firms that were not previously certified by an individualized determination of disadvantage.

4. Why is recertification necessary?

The IFR removed race- and sex-based presumptions in DBE qualifications. Therefore, SBSD and MWAA must thoroughly review all firms that were not previously certified by an individualized determination of disadvantage.

B. RECERTIFICATION

1. Where does a firm submit its recertification documents?

A firm must submit its recertification documents to the UCP which originally certified it as a DBE. This may be SBSD, MWAA, or a UCP located in a different state.

2. What does a previously certified DBE firm need to do to complete the recertification process?

The firm seeking recertification must submit:

- i) Personal Narrative establishing the existence of disadvantage with individualized evidence.
 - a. This includes specific instances of economic hardship, systemic barriers, and denied opportunities that have impeded the owner's progress or success in education, employment, or business.

- b. Evidence should also highlight difficulties in obtaining financing on terms available to similarly situated, non-disadvantaged individuals.
- c. The personal narrative should demonstrate social and economic disadvantage by a preponderance of evidence. That means that an applicant must demonstrate that it is more likely than not that the applicant experienced social and economic disadvantage.

ii) Personal Net Worth Statement which can be downloaded from SBSB and MWAA's website or downloaded [here](#).

3. What are some examples of social and economic disadvantage that are not based on race or sex?

What an applicant chooses to include in their personal narrative is an individual choice. An applicant could choose to discuss education, employment, business history, access to capital and financing, career advancement barrier, difficulty accessing credit and business opportunities or any other factors that show social and economic disadvantage.

An applicant should consider including detailed descriptions (including who, what, where, when, how, and why) of the social and economic disadvantage in their personal narrative. An applicant should also consider showing how those events negatively impacted their social or economic standing.

4. Can an applicant mention race or sex in their personal narrative?

What an applicant chooses to include in their personal narrative is an individual choice. SBSB and MWAA cannot consider race or sex in determining whether an applicant meets the requirements for recertification as a DBE.

5. Are personal narratives and personal net worth statements subject to disclosure under FOIA?

No, personal narratives and personal net worth statements are exempt from disclosure under FOIA, as provided by 49 CFR 26.68, 49 CFR 26.109, and Virginia Code § 2.2-3704(A).

6. What criteria will SBSB and MWAA use to evaluate a firm's submission?

Virginia UCP has developed a reevaluation criteria/rubric for which SBSB and MWAA will utilize to evaluate submissions. You can find the rubric at this link [insert discussion of rubric/other criteria]

7. If a firm is not recertified, is there an appeals process?

Yes, a firm that is decertified under the reevaluation process described at 49 CFR § 26.111 is entitled to appeal the decertification to DOT under the procedures described at 49 CFR § 26.89.

C. RESUMING THE DBE PROGRAM

1. When will the DBE program resume?

The DBE program will resume when SBSB and MWAA complete their review of DBE firms previously certified under a presumption of social or economic disadvantage and receive approval or concurrence from USDOT. SBSB and MWAA will complete their review as soon as practicable.

2. Is there a set number of DBEs for the program to resume?

No, there is not a set number of DBEs for the program to resume. Each firm applying for recertification will be evaluated under the criteria established by SBSB and MWAA. Those firms meeting the criteria will be recertified. This change may result in a different number of certified DBEs compared to those certified prior to October 3, 2025, once states complete the recertification process. The number serves as the basis for a state's goal, not justification for the program's existence, as federal law mandates program implementation and operation. So, a meaningful pool of certified firms with work codes that align with bid line items will be needed before DBE goals can be assigned on federally funded transportation projects.

3. If my firm's home state is significantly delayed in reviewing applications, will my firm be able to participate as a DBE in Virginia?

No, the IFR requires a firm to be recertified by the UPC that originally issued its DBE certification. Current firms remain ineligible to participate in Virginia's DBE program absent recertification. However, Virginia will not require DBEs certified elsewhere to undergo another recertification process prior to program participation.

4. When the DBE program resumes, what happens to contracts with DBE goals that were let and executed prior to 10/3/25?

If, after the reevaluation process, every DBE performing work on a contract is recertified under the new standards, then the contract does not need to be modified. However, if a DBE performing work on a contract is not recertified, VDOT may have to adjust the DBE goal on the project. Additional guidance will be provided on a case-by-case basis.