

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: BART Contractors, Consultants,
Suppliers on Federally Funded Contracts,
Agreements, or Purchases

DATE: October 3, 2025

FROM: Rudy Garza, Director, Office of Civil Rights

SUBJECT: Suspension of DBE Goal Enforcement

On October 3, 2025, the U.S. Department of Transportation (DOT) published an Interim Final Rule (IFR) in the Federal Register modifying the Disadvantaged Business Enterprise (DBE) Program regulations (49 CFR Part 26). The IFR takes effect immediately upon publication. The IFR requires federal grant recipients to pause enforcement of DBE goals in existing contracts supported by federal funds, among other requirements. The IFR prohibits grant recipients from enforcing DBE goals until the applicable Unified Certification Program (UCP) has completed a reevaluation of all existing certified DBEs pursuant to new criteria established in the IFR.

In order to comply with the IFR, effective immediately, **the District will pause enforcement of DBE Goals on your existing Contract, Agreement, IFB or Purchase.** If your Contract, Agreement, or Purchase does not contain a DBE Goal, **this change does not apply to you.** During this time, and until further notice, provisions pertaining solely to DBE Participation will not be enforced. Further, DBE Participation will not be credited to any listed entity on your Bid or Proposal, subconsultants, or subsuppliers that you listed.

Once UCP recertification has been completed, the District will provide further guidance on DBE participation and goal attainment pertaining to your Contract, Agreement, IFB or Purchase. The District will also issue a Change Order to conform DBE Participation provisions to the new DBE regulations. All other terms and conditions in your Contract, Agreement, IFB, or Purchase Order will remain in full force and effect.

The District will review additional DOT guidance as released and provide further updates to you as needed.

If you have any questions, please feel free to contact Rudy Garza, Director of Civil Rights at (510) 464-7194, or email rudy.garza@bart.gov.