



HQ LP Project Development  
HQ Local Programs

# HQ Local Programs

DBE Program Changes

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Date: December 2, 2024

## **Purpose**

This bulletin provides guidance for Local Programs' implementation of changes to the DBE program.

## **Background**

USDOT issued the final rule making modification to 49 CFR parts 23 and 26 on 4/9/24. The new rules became effective on 5/9/24. A final rule making summary is available at [Final Rule Summary | US Department of Transportation](#). Many of the changes to the DBE program do not directly affect Local Agencies, however WSDOT has implemented a new form and specifications which will be required to come into compliance with regulations. This bulletin will provide guidance as it pertains to projects federally funded FHWA funds that are being advertised for construction.

Specifically, this bulletin addresses the requirement to collect bidder data for all DBE and non-DBE subcontractors that have bid or provided a quote to Contractors to perform work on a project. USDOT has indicated that a national database will be available by the end of 2024 to collect this information.

## **Guidance**

Add the new WSDOT form 272-022 "Bidder Questionnaire." to proposal package for all federally funded projects, regardless of whether a DBE Goal has been set for the project. Include the GSP 1-02.6.OPT7.GR1 from the WSDOT index.

### *Changes to bid / proposal packages:*

- Agencies' proposal packages must include new WSDOT form 272-022 for all projects receiving federal financial assistance. Consider cross referencing GSP Sections 1-02.6 and 1-02.13 in the call to bids.
- Special Provisions must include GSPs outlined in the Local Programs General Special Provision (APWA) Website index and WSDOT GSP index for Division 1.

### *After bids are opened (directly after bid opening), Agencies are instructed to:*

- Reject bids that do not include the Bidder Questionnaire (Form 272-022). Reject bids that do not include a DBE Utilization Certification (Form 272-056). See 1-02.13 Irregular Proposals.
- Review the Bid Item Breakdown (Form 272-054) which is not required to be submitted at the time of bid (see APWA 1-02.9- Delivery of Documents). The Contractor has 5 calendar days from bid opening (not including Saturdays, Sundays and holidays) to make minor corrections.



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*48 hours after bid opening, Agencies are instructed to:*

- Reject bids, where bidders fail to submit either the Bid Item Breakdown (Form 272-054) or DBE Written Confirmation (Form 422-031) within 48 hours. See 1-02.13 Irregular Proposals.
- Transmit certified bid tabs including all bid documents for the three low apparent bidders, including all rejected bids, and Bidder Questionnaire for **all** bidders to Local Programs when requesting concurrence to award a project. Include copies of any protests that have been received from bidders and correspondence the agency has issued to bidders rejecting bids.

## **Resources**

[Local Agency General Special Provisions \(GSPs\) | WSDOT \(wa.gov\)](#)

[General Special Provisions \(GSPs\) | WSDOT \(wa.gov\)](#)

LP-Spec-Check-in-Form - See Local Agency GSP Web Page (Local Agency forms and documents)

[Electronic forms | WSDOT \(wa.gov\)](#), See form 272-022

## **Contact Information**

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