

TRB DBE Synthesis Statement

Title: Small Business Program

SCOPE. The 49 Code of Federal Regulations (CFR) Part 26 (Disadvantaged Business Enterprise) encourages State Departments of Transportation (DOT) to maximize their DBE Program achievements through race-neutral measures which includes promoting small business participation, through an approved Small Business (SB) Program. Although the USDOT encourages the implementation of a SB Program, the CFR fails to describe what is an acceptable SB Program that meets the CFR intent as described in §26.51. The Official Questions and Answers DBE Program Regulation identify a list of assurances the DOT must have, however, the list does not prescribe the, how to.

The CFR also requires that all possible race neutral measures be employed to increase the accessibility of contracting opportunities to DBEs, prior to implementing any “race conscious” measure. To this end, and in order to establish a participation goal, many transportation agencies across the country have embarked on their own race neutral/small business programs.

Additionally, State and local governments, as recipients of local and State transportation funding have policies to promote small business participation in its procurement and contracting processes. Generally the State and local government SB Program is not sufficient or too restrictive in policy to be accepted by USDOT.

This proposed study would review and synthesize all State DOT DBE Program transportation related small business programs. Since the types of small business programs are quite different among State DOTs, this synthesis request is for a synthesis based on the Best Practices of small business programs regardless of funding source. The proposed synthesis is needed for the following reasons:

- Would provide a reference document for the Congress, the courts, and the US DOT in their future deliberations on race-neutral/small business programs in the federal-aid transportation programs.
- Would review all small business programs nationally and identify Best Practice measures.
- Would compile all the findings in one volume as a resource guide.
- Would act as a compendium of the most effective “Small Business Program” to be tried by counterparts in different transportation agencies.

Information Sources:

State DOT internet webpages

49 CFR 26

Small Business Administration

USDOT - Office of Small and Disadvantaged Business Utilization

NOTES:

No such source of information is available now. All transportation agencies need a source like the proposed synthesis to help them identify an acceptable small business program that meets the spirit of 49CFR26.51