



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Janet T. Mills
GOVERNOR

Dale F. Doughty
COMMISSIONER

February 19, 2026

RE: Implementation of USDOT DBE Interim Final Rule (Effective October 3, 2025)

To MaineDOT Contractors:

This letter provides guidance on certain federal changes to the U.S. Department of Transportation (USDOT) Disadvantaged Business Enterprise (DBE) Program and outlines their impact on MaineDOT projects and on prime contractor responsibilities. On October 3, 2025, USDOT published an Interim Final Rule (IFR) that became effective immediately upon publication.

I. Bidder's List Requirement (49 CFR § 26.11)

The requirement to submit the Bidder's List Form remains in effect. Prime contractors must continue to submit the Bidder's List Form when bidding on applicable MaineDOT projects. MaineDOT has revised the Bidder's List Form to conform to changes in the DBE Program requirements contained in USDOT's Interim Final Rule.

II. Current DBE Contract Targets

The current DBE contract target on MaineDOT projects is 0%. MaineDOT is undergoing the required DBE reevaluation process pursuant to 49 CFR § 26.111.

III. DBE Termination Requirements (49 CFR § 26.53(f))

Prime contractors may not terminate a DBE subcontractor without prior written consent from MaineDOT and a showing of good cause.

IV. Required Federal Contract Clauses

Contract clauses concerning nondiscrimination in [49 CFR § 23.9](#) and [49 CFR § 26.13\(a\)-\(b\)](#) remain mandatory.

V. Prompt Payment Requirements (49 CFR § 26.29)

Prime contractors must pay subcontractors within 30 days of receipt of payment and release retainage within 30 days of satisfactory completion.

For project-specific clarification, please contact the MaineDOT Civil Rights Office at sherry.tompkins@maine.gov or mary.bryant@maine.gov.

We appreciate your ongoing attention to these regulatory changes.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherry Y. Tompkins". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sherry Y. Tompkins
Director, Civil Rights Office