



# HQ Local Programs

DBE Program Changes  
LPB.2024#.04.R2, Page 1 of 4

Date: August 29, 2024

HQ LP Project Development  
HQ Local Programs

**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 is implementing 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 with FAA, FTA, and 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**

The WSDOT construction office is issuing a new form along with new and updated GSPs that become effective on 9/3/24. Local Programs will adopt the new WSDOT form 272-022 “Bidder Questionnaire.” The following new or revised general special provisions will be required:

WSDOT General Special Provisions (GSP)/Spec	Local Programs GSP/Spec	GSP Exist/New	Comments
1-02.6.OPT3.GR1 Revised 9/3/24.	None	Existing	Spec lists documents to be included with proposal for DBE program. Formerly 1-02.6.OPT3.NEW.GR1.
1-02.6.OPT7.GR1 Dated 9/3/24	none	New	Adds Bidder’s Questionnaire
1-02.6.OPT8.2026.GR1 Dated 9/3/24	1-02.6.OptionA.rtf Dated 9/3/24	New	Clarifies that the Bidder List required by State law is different than the “Bidder Questionnaire” required by CFR. Agency chooses one version to include.
1-02.9.OPT1.GR1 Revised 9/3/24.	1-02.9.OptionsA to OptionsD.rtf Dated 7/8/24	Existing	Describes when documents are Must choose APWA A, B, C or D.



# HQ Local Programs

## DBE Program Changes

LPB.2024#.04.R2, Page 2 of 4

Date: August 29, 2024

WSDOT General Special Provisions (GSP)/Spec	Local Programs GSP/Spec	GSP Exist/New	Comments
1-03.3.OPT2.GR1 Dated 7/2/24	1-03.3.OptionB.rtf Dated 7/8/24	Existing	Describes where trucking forms are delivered.
1-02.13.OPT1.2026.GR1 Dated 9/3/24	1-02.13.rtf Revised 9/3/24	Existing	Must include.
1-07.11.OPT3.FR1 Dated 9/3/24	1-07.11.OptionB.rtf Dated 9/3/2024	Existing	GSP is reorganized, includes minor modifications, and includes modifications to comply with the new regulations, Must include.
1-08.1, 2025 Standard Specifications for Roads & Bridges	1-08.1(9).OptionA.rtf Dated 9/3/2024	New	Requirements for DBE Subcontracts were removed from the DBE GSP 1--07.11, Option B. WSDOT incorporated the requirement to send DBE Subcontracts to OECR in the 2025 Standard Specs and expanded it to include all non-DBE Subcontracts. The APWA version revises 2025 to only require DBE Subcontracts to be forwarded to OECR.

Shaded cells are required to be included in the contract special provisions. When both the WSDOT GSP and APWA cells are shaded, the agency may choose to use either version.

### Implementation Plan

#### *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. Sample language, "Bidders are made aware of the requirement to include a Bidders Questionnaire (WSDOT form 272-022) in accordance with special provisions section 1-02.6. Bids that do not include this form at the time of bid will be rejected in accordance with Section 1-02.13 of the special provisions."
- Special Provisions must include GSPs indicated in guidance section of this GSP.

#### *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.



# HQ Local Programs

## DBE Program Changes

LPB.2024#.04.R2, Page 3 of 4

Date: August 29, 2024

- Review the Bid Item Breakdown (Form 272-054) which is not required to be submitted at the time of bid. However, should this form be submitted at the time of bid the agency should review for minor corrections that can be made. The Contractor has 5 calendar days (not including Saturdays, Sundays and holidays) to make minor corrections.

*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 rejecting bids.

*Guidance for projects on advertisement*

- Agencies must begin using the form and specifications no later than September 3, 2024, regardless of which version of the standard specifications they are using. Projects that are currently being advertised for bid, where bids will be opened on or after September 9<sup>th</sup>, 2024, must issue an addendum and include updated GSPs and WSDOT Form 272-022.
- Projects that are assigned a zero goal will require Form 272-022 and associated specs.

## **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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# HQ Local Programs

DBE Program Changes

LPB.2024#.04.R2, Page 4 of 4

Date: August 29, 2024

## Comments

Local Programs recognizes this adds an extra step for Contractors to the bidding process. Any resources the agency has to get the word out to Contractors about this change would greatly benefit the program. Feel free to provide feedback to the above contact information.

## Appendix A Bidder's Questionnaire



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### Bidder Questionnaire

Firm/ Subcontractor Name	Address (incl. Zipcode)	DBE Status	Race	Gender	NAICS Codes	Scope of Work	Firm Age	Firm Gross Receipts

If you have additional Firms or Subcontractors that submitted Bids, please complete additional forms.

Prime Contractor Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

DOT Form 272-022 Revised 08/2024  
• Previous Versions Obsolete •

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### Form Instructions

The following information on each firm that submitted a bid is required as part of 49 CFR 26.11(c)(2):

**Firm/Subcontractor Name:** Enter the name of each firm or subcontractor who submitted a quote or a bid on the contract.

**Address:** Enter the date the main address of the firm/subcontractor. Include the zip code.

**DBE Status:** Enter the DBE status. Options are DBE and Non-DBE.

**Race:** Enter the race of the majority DBE Owner. Options are "Black American", "Hispanic American", "Native American", "Asian-Pacific American", "Subcontinent Asian American", and "White".

**Gender:** Enter the gender of the majority DBE Owner. Options are "Female" and "Male".

**NAICS Codes:** Enter the appropriate NAICS Codes for the work the bid was submitted.

**Scope of Work:** Enter the scope of the work the bid was submitted for.

**Firm Age:** Enter the age of the Firm.

**Firm Gross Receipts:** Enter the annual gross receipts. Options are "Less than \$1 million", "\$1-\$3 million", "\$3-\$6 million", "\$6-\$10 million", "\$10-\$20 million", "\$20-\$30.72 million", and "Greater than \$30.72 million".