

PART 25 [RESERVED]**PART 26—PARTICIPATION BY DIS-ADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS****Subpart A—General**

Sec.

- 26.1 What are the objectives of this part?
 26.3 To whom does this part apply?
 26.5 What do the terms used in this part mean?
 26.7 What discriminatory actions are forbidden?
 26.9 How does the Department issue guidance and interpretations under this part?
 26.11 What records do recipients keep and report?
 26.13 What assurances must recipients and contractors make?
 26.15 How can recipients apply for exemptions or waivers?

Subpart B—Administrative Requirements for DBE Programs for Federally-Assisted Contracting

- 26.21 Who must have a DBE program?
 26.23 What is the requirement for a policy statement?
 26.25 What is the requirement for a liaison officer?
 26.27 What efforts must recipients make concerning DBE financial institutions?
 26.29 What prompt payment mechanisms must recipients have?
 26.31 What requirements pertain to the DBE directory?
 26.33 What steps must a recipient take to address overconcentration of DBEs in certain types of work?
 26.35 What role do business development and mentor-protege programs have in the DBE program?
 26.37 What are a recipient's responsibilities for monitoring the performance of other program participants?

Subpart C—Goals, Good Faith Efforts, and Counting

- 26.41 What is the role of the statutory 10 percent goal in this program?
 26.43 Can recipients use set-asides or quotas as part of this program?
 26.45 How do recipients set overall goals?
 26.47 Can recipients be penalized for failing to meet overall goals?
 26.49 How are overall goals established for transit vehicle manufacturers?
 26.51 What means do recipients use to meet overall goals?

- 26.53 What are the good faith efforts procedures recipients follow in situations where there are contract goals?
 26.55 How is DBE participation counted toward goals?

Subpart D—Certification Standards

- 26.61 How are burdens of proof allocated in the certification process?
 26.63 What rules govern group membership determinations?
 26.65 What rules govern business size determinations?
 26.67 What rules determine social and economic disadvantage?
 26.69 What rules govern determinations of ownership?
 26.71 What rules govern determinations concerning control?
 26.73 What are other rules affecting certification?

Subpart E—Certification Procedures

- 26.81 What are the requirements for Unified Certification Programs?
 26.83 What procedures do recipients follow in making certification decisions?
 26.85 What rules govern recipients' denials of initial requests for certification?
 26.87 What procedures does a recipient use to remove a DBE's eligibility?
 26.89 What is the process for certification appeals to the Department of Transportation?
 26.91 What actions do recipients take following DOT certification appeal decisions?

Subpart F—Compliance and Enforcement

- 26.101 What compliance procedures apply to recipients?
 26.103 What enforcement actions apply in FHWA and FTA programs?
 26.105 What enforcement actions apply in FAA programs?
 26.107 What enforcement actions apply to firms participating in the DBE program?
 26.109 What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?

APPENDIX A TO PART 26—GUIDANCE CONCERNING GOOD FAITH EFFORTS

APPENDIX B TO PART 26—FORMS [RESERVED]

APPENDIX C TO PART 26—DBE BUSINESS DEVELOPMENT PROGRAM GUIDELINES

APPENDIX D TO PART 26—MENTOR-PROTEGE PROGRAM GUIDELINES

APPENDIX E TO PART 26—INDIVIDUAL DETERMINATIONS OF SOCIAL AND ECONOMIC DISADVANTAGE

AUTHORITY: 23 U.S.C. 324; 42 U.S.C. 2000d, *et seq.*; 49 U.S.C. 1615, 47107, 47113, 47123; Sec. 1101(b), Pub. L. 105-178, 112 Stat. 107, 113.