

## Interim Final Rule (IFR) Addendum

Effective October 3, 2025

Applies to: NMDOT DBE Program Plan

### 1. Certification

- Firms must provide **individualized documentation of social and economic disadvantage**.
- References to the **presumption of disadvantage** are removed.
- NMDOT must verify IFR compliance before certifying or accepting interstate certifications.

### 2. Denial of Certification (§26.86)

- Denial letters must state whether **individualized disadvantage documentation was insufficient or missing**.
- Firms denied during nationwide reevaluation may reapply once reevaluation is complete, even if 12 months haven't passed.
- Appeals must include IFR documentation.

### 3. Removal of Eligibility (§26.87)

- Grounds for removal now include **failure to maintain IFR documentation**.
- Complaints may allege noncompliance with IFR requirements.
- Hearings and written submissions must address IFR standards.

### 4. Suspension (§26.88)

- Suspension applies if a firm **fails to provide or update individualized disadvantage documentation**.
- Reinstatement requires submission of IFR documentation.
- Suspension notices must reference IFR requirements.

## **5. Appeals (§26.89)**

- Appeals must include individualized disadvantage documentation.
- DOT review explicitly checks whether IFR standards were applied.
- Constructive decertification applies if NMDOT fails to act on suspension tied to IFR documentation.

## **6. Effect of DOT Decisions (§26.91)**

- DOT decisions remain binding only on the recipient appealed from.
- **All recipients must apply DOT's determination regarding individualized disadvantage documentation consistently.**
- Corrective actions must address IFR compliance.
- Other certifiers must apply IFR standards even if not required to certify the firm.

## **7. Compliance & Enforcement (§26.101–§26.105)**

- **Compliance reviews, complaints, conciliation agreements, and enforcement actions must explicitly evaluate IFR documentation.**
- Enforcement findings must confirm whether IFR standards were applied.
- Failure to implement IFR requirements constitutes noncompliance.