



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
330 E. Kilbourn Avenue, Suite 725, Milwaukee, WI 53202-3141
414-727-WILL (9455)
Fax 414-727-6385
www.will-law.org

October 14, 2025

VIA ELECTRONIC MAIL:

Gia Biagi, Secretary of Transportation
Illinois Department of Transportation
Hanley Building
2300 S. Dirksen Parkway
Springfield, IL 62764
Email: Gia.Biagi@illinois.gov

**RE: Interim Final Rule Eliminating Disadvantaged Business
Enterprise Program**

Dear Secretary Biagi:

We represent Contractors for Equal Opportunity (CEO), a nationwide organization of businesses that oppose race- and sex-based preferences. Some of our members bid on contracts awarded by the Illinois Department of Transportation.

As you know, on October 3, 2025, the United States Department of Transportation (USDOT) published an Interim Final Rule (IFR) eliminating race and sex discrimination in the Disadvantaged Business Enterprise (DBE) program. The IFR requires each state DOT to “reevaluate any currently certified DBE or ACDBE” and to “decertify any DBE or ACDBE that does not meet the new certification standards.” See DBE Program Modifications, 90 Fed. Reg. 47,971 (Oct. 3, 2025), available [here](#). USDOT’s official position is that it may not approve any “federal, state, or local DOT-funded projects with DBE contract goals where any DBE in that jurisdiction was determined to be eligible based on a race- or sex-based presumption.” *Id.*

Therefore, as of October 3, 2025, there are no DBEs eligible to meet goals, and as such, there is no basis to make or enforce any DBE goals on any current contract. Most states have recognized this reality and have suspended the imposition of any DBE goals. *E.g.*, Cal. Dep’t of Transp., Div. of Local Assistance, *Office Bulletin #25-07: Suspension of DBE Program* (Oct. 2025), available [here](#) (eliminating all contract goals, good-faith efforts, DBE participation counting, monitoring, and form submissions for California).

The Illinois Department of Transportation is not in compliance with the IFR. On October 13, 2025, IDOT posted a “Letting Summary Report” setting a letting date of November 7, 2025, for dozens of upcoming contracts. Most of these federally funded projects contain DBE goals in violation of the IFR. The Notice of Letting is available [at this website](#), which includes a link to the DBE Goals Report.

On behalf of CEO, we are demanding that you withdraw all DBE goals on federally funded projects immediately. If we do not receive notice that you removed these goals by October 17, 2025, we will take appropriate legal action, which will include, at a minimum, a demand to USDOT and the United States Department of Justice that they suspend all federal highway aids to Illinois until you come into compliance with the IFR. We are also prepared to assert our clients’ rights in federal court, as we have done in *Mid-America Milling Co. et al., v. USDOT*, No. 3:23-CV-00072-GFVT, 2024 WL 4635430 (E.D. Ky. Oct. 31, 2024) (granting injunction against the DBE program).

Sincerely,

WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.



Daniel P. Lennington
Managing Vice President & Deputy Counsel

CC: Terry Glavin, Deputy Secretary; Email: Terrence.Glavin2@illinois.gov
John Donovan, Chief Operating Officer; Email: John.Donovan@illinois.gov
Michael Prater, Chief Legal Counsel; Email: Michael.Prater@illinois.gov