NOTICE OF CHANGES AND ANNUAL AFFIRMATION OF DBE PROGRAM ELIGIBILITY

North Dakota Department of Transportation, Civil Rights Division

SFN 52158 (Rev.11-2009)

In accordance with 49 CFR 26.83(i), NDDOT-certified DBE firms **must** notify NDDOT of any change in the circumstances affecting the firm's ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26 and 13 CFR Part 121 or of any material change in the information provided in the firm's application form. In so doing, the firm **must** provide this affidavit to NDDOT with attached supporting documentation describing, in detail, the nature of such changes within 30 days of the occurrence of the change. **AND**

In accordance with 49 CFR 26.83(j), NDDOT-certified DBE firms **must** affirm to NDDOT, every year on the anniversary of the date of the firm's certification, that there have been no changes in the circumstances affecting the firm's ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26 and 13 CFR Part 121 or of any material change in the information provided in the firm's application form, except for changes about which the firm has notified NDDOT under 49 CFR 26.83(i). In so doing, the firm **must** provide this affidavit to NDDOT with supporting documentation of the firm's size and overall gross receipts.

Failure to provide this affidavit in a timely manner will deem the firm to have failed to cooperate under 49 CFR 26.109(c).

Authorized Name of Firm		
Street Address		
City	State	Zip Code
Mailing Address (if Different)		
City	State	Zip Code
Business Phone Number	Fax Number	Cell Phone Number
Internet Address	E-Mail Address	
Name of Contact Person	Name of Person Who Prepared This Affidavit	

INSTRUCTIONS

Attach all requested documentation and mark each attachment with the corresponding item number from this affidavit (i.e., B-1). Make a copy of the completed, signed, and notarized affidavit for your records and return the original with the required supporting documentation to:

CIVIL RIGHTS DIVISION
NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
608 E BOULEVARD AVE
BISMARCK ND 58505-0700
(701) 328-3116

PART A - ANNUAL AFFIRMATION OF DBE PROGRAM ELIGIBILITY

I/We, the undersigned, swear (or affirm) that there have been no changes in the circumstances of

_____
Name of Firm

affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26 and 13 CFR Part 121. There have been no material changes in the information provided with the above named firm's application for certification, except for any changes about which I/we have provided written notice to NDDOT under 49 CFR 26.83(i).

I/we, swear (or affirm) that the above named firm continues to meet the Small Business Administration (SBA) business size criteria and the overall gross receipts cap of 49 CFR Part 26 and its average annual gross receipts (as defined by SBA rules) over the previous three fiscal years do not exceed $17.4 million.

PART B - ANNUAL AFFIRMATION - SOCIAL AND ECONOMIC DISADVANTAGE

I, the undersigned, swear (or affirm) that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified in 49 CFR Part 26.5, without regard to my individual qualities. I further swear (or affirm) that my personal net worth does not exceed $750,000.00, and that I am economically disadvantaged because my ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

Name of Disadvantaged Owner (Print/Type)

_____ Signature _____ Date

Name of Disadvantaged Owner (Print/Type)

_____ Signature _____ Date

Name of Disadvantaged Owner (Print/Type)

_____ Signature _____ Date

PART C - DOCUMENTATION OF SIZE AND OVERALL GROSS RECEIPTS

Provide a copy of:

1. The firm's most current federal income tax return with all filed schedules and attachments.
2. Most current personal income tax returns for all owners, including W-2 forms.
3. The firm's most current financial statement, if available. Include the balance sheet, income statement, accountant's opinion, and all supporting schedules and notes.
4. A list of all owners, officers, managers, and supervisors during the last year. Include the compensation of salary, bonuses, and dividends paid to each during the past year and the average number of hours per week each devoted to this company.

continued

PART C - continued

5. Minutes of all stockholders and board of director meetings held during the past 12 months (for corporations).

6. Current certifications or denials of certification made by any state agency during past 12 months.

7. Current State Highway/Transportation Department DBE certification if the firm's home office is not located in North Dakota.

PART D - NOTICE OF CHANGES

1. Provide current ownership information.

Name of Owner	% of Ownership	# of Shares

2. Have there been any changes in the owners or stockholders of this firm?

☐ Yes (if yes, provide details with supporting documentation.)
☐ No

3. Have there been any changes in the firm's directors or officers?

☐ Yes (if yes, provide details with supporting documentation.)
☐ No

4. Have there been any changes made in, or any changes made to, the firm's articles of incorporation, bylaws, partnership agreement, or other ownership documents?

☐ Yes (if yes, provide copies of the revised documents and/or agreements.)
☐ No

5. Has any stockholder, director, officer, partner, and/or manager established a new business relationship with, or purchased ownership interest in, any other firm involved in the transportation industry, i.e. highway construction or supply, transit, aeronautics? (Business relationships include but are not limited to shared ownership; shared use of space, utilities, equipment, financing, employees; etc.)

☐ Yes (if yes, provide copies of all documentation such as lease agreements, notes payable, workforce agreements, ownership documents, etc.)
☐ No

6. Have any persons assumed duties and responsibilities which were previously being performed by someone else?

☐ Yes (If yes, describe changes; include the new person's name, race, sex, title, and new duties; and include a current, detailed work resume.)
☐ No

7. Has this firm entered into any employment contracts, consultant agreements, workforce agreements, management agreements, loan agreements, major equipment lease agreements, lease or rental agreements or purchased any major pieces of equipment?

☐ Yes (if yes, provide a list of all new contracts and agreements and attach copies of each agreement, purchase invoice, title, and registration.)
☐ No

8. Have any changes occurred in the indemnitors for the firm's bonding commitments, or have new lines of credit been entered into?

☐ Yes (if yes, provide a copy of the indemnity agreement and/or letter of credit.)
☐ No

PART E - SIGNATURES OF ALL OWNERS

The undersigned swear and affirm upon penalty of perjury that they have read and understand this affidavit; that they have the authority to sign this affidavit; and that the affidavit and accompanying documents are true, complete, and correct.

The undersigned also recognize and accept the seven (7) statements below governing the maintenance of the firm's certification status.

1. To abide by the requirements of the Disadvantaged Business Enterprise Program and all of the applicable rules, regulations, and policy guidelines of NDDOT, the U. S. Department of Transportation, and the U.S. Small Business Administration governing the certification process and project activity.
2. To notify NDDOT, in writing, of any denial or decertification of this firm as a DBE by another federal or another state agency within ten (10) working days.
3. That in order to monitor the status of this firm, NDDOT has the right, from time to time, to conduct a review of the firm's books, contracts, facilities, and records and to request and review whatever other additional information is deemed necessary to complete such process.
4. That failure to answer any question, or to supply to NDDOT any documentation requested, may be cause to withdraw certification.
5. That NDDOT may, for cause, withdraw certification after applying its own approved procedures.
6. That NDDOT may withdraw certification and initiate action under federal or state laws concerning false statements if, during or after the certification process, it finds that the undersigned submitted false, inaccurate, or misleading information.
7. That NDDOT has the right to withdraw the certification of any firm, based on NDDOT's implementation of the DBE eligibility standards, despite the fact that said firm may be certified by another state or another federal agency.

1. Name of Owner (Print/Type)

Signature | Date

2. Name of Owner (Print/Type)

Signature | Date

3. Name of Owner (Print/Type)

Signature | Date

4. Name of Owner (Print/Type)

Signature | Date

continued

PART E - continued

5. Name of Owner (Print/Type)

Signature _____ Date _____

6. Name of Owner (Print/Type)

Signature _____ Date _____

PART F - NOTARIZATION

ACKNOWLEDGEMENT

STATE OF _____)
)SS
COUNTY OF _____)

On this _____ day of _____, 20____, personally appeared before me _____
_____
_____
_____
known to me to be the person__ named in and who executed the foregoing instrument and acknowledged that _____ executed the same.

_____
PRINT, TYPE OR STAMP NAME OF NOTARY

My commission expires _____