

ALABAMA DEPARTMENT OF TRANSPORTATION

DATE: November 14, 2018

Special Provision No. 18-0487

EFFECTIVE DATE: January 1, 2019

SUBJECT: Disadvantaged Business Enterprise (DBE).

Alabama Standard Specifications, 2018 Edition, SECTION 111 shall be modified as follows:

SECTION 111 DISADVANTAGED BUSINESS ENTERPRISE (DBE)

111.03 Low Bidder Submittal DBE Utilization Plan.

Article 111.03 shall be replaced with the following:

111.03 Submittal of DBE Utilization Plan.

This contract will be awarded to the lowest responsible bidder. All bidders must submit within five calendar days of the letting date the following information in writing on Form OE-110 (DBE Utilization Plan) provided by the Department:

- The name and address of the DBE firm or firms;
- The description of the work to be subcontracted;
- The dollar amount of the work;
- A written commitment from the bidder to use the DBE;
- A written confirmation from the DBE that it is participating in the contract as provided in the commitment.

111.09 DBE Violations.

(b) Violations Prior to Award of the Contract.

Subarticle 111.09(b) shall be replaced with the following:

(b) Violations Prior to Award of the Contract.

Failure by the apparent low bidder to provide the DBE Utilization Plan within the time frame specified will result in the bid being considered irregular in accordance with Subarticle 102.07(a), and the bid will be rejected. If the apparent low bidder does provide the DBE Utilization Plan within the time frame specified, but fails to make and document good faith efforts, the contract will not be awarded to that bidder and will result in the forfeiture of its bid bond.

The next low bidder will become the new low bidder. Failure to have provided the DBE Utilization Plan within the time frame specified will result in the bid being considered irregular in accordance with Subarticle 102.07(a), and the bid will be rejected. If this bidder does provide the DBE Utilization Plan within the time frame specified, but fails to make and document good faith efforts, the contract will not be awarded to that bidder and will result in the forfeiture of its bid bond.

If the contract is awarded to the next low bidder, the original low bidder will be prohibited from doing any work relating to the contract either as subcontractor or in any other capacity.

These restrictions shall apply to any other name under which the same person, individual, partnership, company, firm, corporation, association, cooperative, affiliate, or other legal entity may be operating, and in which the principal owner(s) are involved.