

ALABAMA DEPARTMENT OF TRANSPORTATION

Small Business Element Program

Frequently Asked Questions (FAQs)

Q: What is the SBE Program?

A: The Alabama Department of Transportation (ALDOT) Small Business Element (SBE) Program is a race neutral program derived from 49 Code of Federal Regulations (CFR) Part 26 designed to provide contracting opportunities to qualified firms on designated federally funded highway construction projects for qualified firms.

Q: How to apply for the SBE Program?

A: You may download the SBE application at: www.dot.state.al.us . Completed application should be submitted along with the last three (3) years of business taxes for your firm.

In the circumstance of a new firm that has been in business less than three (3) years, the average weekly gross receipts multiplied by 52 will be accepted as the firm's Average Gross Receipts determination. After completing the application, please mail application and supporting documents to the address below:

Alabama Department of Transportation
Compliance and Business Opportunities Bureau
Disadvantaged Business Enterprise Program
ATTN: Small Business Element Program
2720 Gunter Park Drive West
Montgomery, AL 36109

Also, your firm will need to be prequalified as a Prime Contractor with Office Engineer Bureau to participate in the SBE Program. You may obtain the prequalification form on the aforementioned website by utilizing the drop down box on the right side labeled Bureaus/Divisions/Offices, choose the Office Engineer Bureau, click on the contractor prequalified form midway on the webpage (follow directions accordingly). Upon completing the prequalified form, you must submit the information to ALDOT Office Engineer's Bureau.

Q: What are the SBE Eligibility Requirements?

A: To be eligible as a small business concern, your business must satisfy the SBA's size standard for your industry, be operated for profit, be independently owned and operated, and be based in the U.S., making significant contributions to the U.S. economy. To qualify as a Small Business, the firm's average annual gross revenue (as defined by 13 CFR 121.402) over the three previous fiscal years, shall not exceed \$23.98 million.

Q: Who can apply?

A: Contractors performing services related to road and bridge construction.

Q: How long does the certification good last?

A: One year. A directory of all small businesses has been posted on the ALDOT website.

Q: How does a SBE maintain its certification with ALDOT?

A: Once approved, you were sent a letter that was generated stating your expiration date. In order to maintain your certification, you must submit your last year three (3) years of taxes to the aforementioned address annually. A letter of notification will be submitted 45 days prior to your firm's expiration date informing you that it is time to renew your certification.

Q: How are projects designated by ALDOT for SBE's?

A: The Alabama Department of Transportation Office Engineer Bureau identifies projects based upon two criteria; 1) the dollar amount of the project and 2) the number of SBE's that are qualified to bid on that project within a certain radius of that project.

Q: What is the difference between the SBE Program and the DBE Program?

A: The ALDOT DBE Program is race conscious where no contracts are reserved for DBEs. Additionally, the DBE program is subcontractor based. The SBE Program is a race neutral program whereby contracts are reserved or set aside. SBE firms bid designated projects as prime contractors.

Q: Will I be guaranteed work with ALDOT as a SBE?

A: No, it is a competitive program for firms qualified as SBE which allows them to bid on designated projects.

Q: What are the benefits of the SBE Program?

A: Access to increased contract opportunities which may not be available to DBE firms or other nonqualified contracting firms. Opportunity to acquire experience in bidding as a prime contractor on designated ALDOT projects. Additionally, transportation departments in other states have similar programs as well as federal agencies (e.g. Birmingham Airport Authority) within the state. Firms who desire to obtain SBE status should contact those departments or agencies.

Q: What is the process for bidding on a reserved contract?

A: A: The Department posts the upcoming letting for each month three (3) weeks prior to the letting date. Each SBE project (if there is one in that month's letting) will be designated as such and contractors can order sets of plans and proposals in order to bid. They then can place a hard copy bid to be hand delivered to Office Engineers or they can register with Bid Express and bid electronically by computer.

Q: Will my firm be required to get bonded?

A: A: Yes, Alabama Code Title 23-39-2-4 states "The bidder shall be required to file with his or her bid either a cashier's check drawn on an Alabama bank or bid bond executed by a surety company duly authorized and qualified to make such bonds in the State of Alabama, payable to the awarding authority for an amount not less than five percent of the awarding authority's estimated cost or of the Contractor's bid, but in no event more than (\$10,000.00)." Also please see 39-1-1 "Any person entering into a contract with an awarding authority in this state for the prosecution of any public work shall, before commencing the work, execute a performance bond, with penalty equal to 100 percent of the amount of the contract price. In addition, another bond, payable to the awarding authority letting the contract, shall be executed in an amount not less than 50 percent of the contract price, with the obligation that the contractor or contractors shall promptly make payments to all persons supplying labor, materials, or supplies for or in the prosecution of the work provided in the contract and for the payment of reasonable attorney's fees incurred by successful claimants or plaintiffs in civil actions on the bond."

Q: How does a firm obtain a copy of the contract proposals and plans?

A: Anyone can purchase plans; however, proposals are only sold to qualified SBE firms that are bidding on that project.

Q: How can a SBE application be rejected or denied?

A: If the application is incomplete, have obvious errors, or there is reasonable evidence that the statements made on the application are false.