

Instructions for Completing the Annual Affidavit of No Change

The **Annual Affidavit of No Change (Affidavit)** is required on your firm's certification anniversary date. By signing the **Affidavit** as the firm's owner you declare, under penalty of perjury, that there have been no changes in the firm's circumstances that affect business size, disadvantaged status, ownership or control.

If there have been changes in the firm's circumstances that would affect your SBE/DBE eligibility, including suspension or debarment actions that may exclude you from participation in the SBE/DBE program, you must notify HDOT in writing on your company's letterhead, of such changes and submit supporting documentation within 30 days of the change or action.

The **Affidavit** affirms that your company continues to meet U.S. Small Business Administration's business size standards to be considered a small business¹. Business size can be measured in average gross receipts or number of employees. Visit the website below to determine your business size according to the applicable North American Industry Classification System (NAICS) code.

https://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf

The following are instructions for completing the Affidavit:

1. Name of the SBE/DBE owner (owns 51% or more)
2. Name of SBE/DBE firm
3. Name of SBE/DBE firm
4. Name of SBE/DBE firm
5. List SBA's business size standard for firm's primary NAICS code (e.g. 238120 = \$14 million)
6. Number of employees (if applicable)

In addition to the signed and notarized **Affidavit**, please submit the following documentation:

1. U.S. tax returns for the SBE/DBE firm and its affiliates, including all schedules for the most recent tax year (i.e. Form 1120, 1120S or 1065). If you are a sole proprietor or your firm is an LLC and you report business income on a Schedule C, submit your entire most recently completed U.S. individual tax return. (i.e. Form 1040)

If you fail to provide this **Affidavit** and tax returns in a timely manner, you will be deemed to have failed to cooperate under § 26.109(c), and HDOT shall take steps to remove your firm's eligibility.

¹ The U.S. Department of Transportation's business size cap is \$28.48 million. Firms with average gross receipts in excess of this amount do not qualify as a DBE even though they may qualify under SBA's size standards.

ANNUAL AFFIDAVIT OF NO CHANGE

I _____ (*name of DBE owner*) swear (or affirm) that there have been no changes in circumstances affecting _____ (*name of SBE/DBE firm*) ability to meet business size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26 and 13 CFR Part 121. I swear (or affirm) that there have been no material changes in the information provided with _____ (*name of firm*) application for certification, except for any changes about which I have provided written notice to HDOT pursuant to 49 CFR §26.83(i).

The following applies to DBEs only: I 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 §26.5, without regard to my individual qualities.

The following applies to both SBEs and DBEs: I further swear (or affirm) that my personal net worth does not exceed \$1.32 million 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.

I specifically swear (or affirm) that _____ (*name of firm*) continues to meet the Small Business Administration's (SBA) business size criteria and the firm's average annual gross receipts over the previous three years do not exceed \$ _____ (*small business size cap for primary NAICS code*) or the firm has less than _____ employees. I provide the attached documentation in support of this Affidavit.

Name / Title	Signature	Date

Notary Public

County of	State of	{Seal}
The foregoing affidavit was subscribed and sworn to me before me on this _____ day of _____, 20____ by _____ (name)		
Notary Public Commission expires on		