

Sample No Change Affidavit - [49 CFR § 26.83(j)]

The General Counsel of the Department of Transportation has reviewed this sample No Change Affidavit document and approved it as consistent with the language and intent of 49 CFR Part 26. The Department of Transportation (DOT) has prepared this sample No Change Affidavit to help recipients and DBE firms comply with the provisions of 49 CFR Part 26 and specifically § 26.83(j). DOT is providing this sample No Change Affidavit for informational purposes, and recipients and DBE firms are not required to use it or its format. However, recipients and DBE firms may wish to use it as a guide in preparing their own No Change Affidavit documents. This sample No Change Affidavit should, however, lead to greater consistency among submissions pursuant to 49 CFR § 26.83(j).

No Change Affidavit

I insert name of DBE firm owner(s), swear¹ (or affirm) that there have been no changes in insert name of DBE firm circumstances affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26 and 13 CFR Part 121. I swear (or affirm) there have been no material changes in the information provided with insert name of DBE firm application for certification, except for any changes about which I have provided written notice to insert name of DOT recipient pursuant to 49 CFR § 26.83(i).

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. 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.

I specifically swear (or affirm) insert name of DBE firm continues to meet the Small Business Administration (SBA) business size criteria and the overall gross receipts cap of 49 CFR Part 26 and insert name of DBE firm average annual gross receipts (as defined by SBA rules) over the previous three fiscal years do not exceed insert dollar amount. I provide the attached size and gross receipts documentation to support this affidavit.

Signature _____ Date _____

On this ___ day of _____, 2004, before me appeared (name) _____, to me personally known, who, being duly sworn, did execute the foregoing affidavit and did state that he or she was properly authorized by (name of firm) _____, to execute the affidavit and did so as his or her free act and deed.

(SEAL/STAMP)

Notary Public _____ Commission Expires _____

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment or both.