

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. \_\_\_\_\_ Department or Agency The Alabama Department of Transportation

Rule No. 450-4-1

Rule Title: Contractor Qualifications

\_\_\_\_\_ New \_\_\_\_\_ Amend X Repeal \_\_\_\_\_ Adopt by Reference \_\_\_\_\_

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer John A. Spalitta Jr.  
Date 3/18/13

(DATE FILED)  
(STAMP)

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07/04

## ALABAMA DEPARTMENT OF TRANSPORTATION

### NOTICE OF INTENDED ACTION

AGENCY NAME:

The Alabama Department of Transportation

RULE NO. & TITLE:

450-4-1, Contractor Qualifications

INTENDED ACTION:

The Alabama Department of Transportation proposes to repeal Chapter 450-4-1.

SUBSTANCE OF PROPOSED ACTION:

ALDOT proposes to repeal Chapter 450-4-1 as it is not current. Furthermore, this chapter is governed by ALDOT Standard Specifications for Highway Construction 102.02.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

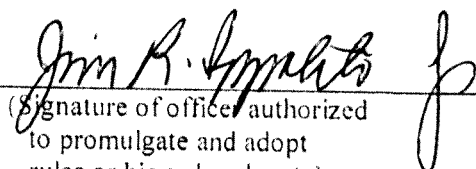
Public Hearing at 9:00 a.m. - 11:00 a.m. on May 3, 2013, at the Alabama Department of Transportation, Central Office, Conference Room 5, 1409 Coliseum Blvd., Montgomery, Alabama 36110, and an opportunity to present comments in writing to Jim Ippolito, Legal Bureau, 1409 Coliseum Blvd., Montgomery, Alabama 36110 by 11:00 a.m., May 3, 2013.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

May 3, 2013, 11:00 a.m.

CONTACT PERSON AT AGENCY:

Jim R. Ippolito, Jr., Chief Counsel, ALDOT Legal Bureau, 1409 Coliseum Boulevard, Montgomery, AL 36110

  
\_\_\_\_\_  
(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

ALABAMA DEPARTMENT OF TRANSPORTATION  
ADMINISTRATIVE CODE

ADMINISTRATIVE DIVISION  
CHAPTER 450-4-1  
CONTRACTOR QUALIFICATIONS

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450-4-1-.01 Disqualification Of Contractors And Subcontractors From  
Performing Prime Or Subcontract Work For A Prime Contract

450-4-1-.01. Disqualification Of Contractors And Subcontractors From  
Performing Prime Or Subcontract Work For A Prime Contract. Repealed.  
In all matters concerning contractors and subcontractors disqualifications as  
pertaining to performing work on a prime contract, the following policies  
shall be used as guidelines for the implementation and enforcement of the  
actions noted in State of Alabama Highway Department Standard Specifications  
for Highway Construction, 1981 Edition, Section 102.02(a)6, and Special  
Provision Number 1687.

(a) Disqualification will be for an indefinite period, but may be reviewed  
each six months, when requested.

(b) Any firm or individual officer or owner of a firm that has been  
disqualified by Federal Highway Administration will result in  
disqualification of the firm for the same period covered by the Federal  
Highway Administration disqualification.

(c) This disqualification applies to contracting as a prime or doing any  
subcontract work for a prime contract. It will not apply to the furnishing of  
materials or equipment if there is no subcontract involved.

(d) The corporate officers or principal owners, as listed in the certificate  
of incorporation, of any disqualified firm cannot serve as corporate officers  
of a new firm that is attempting to get qualified.

Author: Jim R. Ippolito, Jr., Chief Counsel

Statutory authority: Code of Ala. 1975 §§ 23-1-59, 41-22-3(9)h.

History: Filed September 30, 1982. Repealed: Filed \_\_\_\_\_ 2013.