

**314.14 Contracts set aside for small businesses.**

Notwithstanding [section 314.1](#), there may be set aside contracts for bidding by prequalified small businesses a percentage of the total annual dollar amount of public contracts let by the department. The annual dollar amount set aside for bidding by prequalified small businesses shall not exceed ten percent of the total dollar amount of highway construction contracts let by the department and transit dollars administered by the department. The director may estimate the set-aside amount at the beginning of each fiscal year and a suit shall not be brought by any party as a result of this estimate. Set-aside contracts will be awarded to the lowest responsible prequalified small business. [This section](#) shall not be construed as limiting the department's right to refuse any or all small business bids.

[84 Acts, ch 1229, §1; 2009 Acts, ch 41, §111, 112; 2010 Acts, ch 1098, §3](#)

Disadvantaged business enterprise funding reauthorized in section 1101(b) of the federal Fixing America's Surface Transportation Act (FAST Act), approved December 4, 2015, Pub. L. No. 114-94; see also [49 C.F.R. pt. 26](#)