PUBLIC BIDDING GUIDELINES

COMPETITIVE BIDDING

Competitive bidding is the foundation of public procurement, ensuring that public funds are spent responsibly, fairly, and transparently. Its primary purpose is to achieve the best overall value for the public by encouraging open competition among qualified suppliers while safeguarding the procurement process from fraud, favoritism, collusion, and other improper influences.

The process is designed to benefit the public—**not individual bidders**—by providing all qualified suppliers with an equal opportunity to compete under clearly defined requirements and evaluation criteria. Through fair and open competition, public agencies can identify the solution that best meets their operational needs, technical requirements, and value objectives, while maintaining public confidence in the integrity of the procurement process.

GENERAL BIDDING GUIDELINES

1. Request for Proposals must provide a basis for full and fair competitive bidding among bidders on a common standard, free of restrictions tending to stifle competition.

2. The issuing entity may modify the RFP, prior to the date fixed for Contract Award, by issuance of an addendum to all parties who are bidders. Consequently, potential bidders must closely monitor the website used to publish solicitations.

3. To have a valid bid, the bid must respond and conform to the solicitation, including all the documents which are incorporated therein. A bid response which does not literally comply may be rejected.

4. For a variance between the solicitation and the bid to be such as to preclude acceptance (the bid must be rejected), the variance or deviation must be material; materiality may be defined differently in invitations for bids and requests for proposals where proposal revisions may be permitted. It's

important to carefully read the solicitation in this regard.

5. Issuing entities usually have the express or implied right to reject all bids in the best interests of the State. Bids cannot, however, be selectively rejected without cause.

6. Bids cannot be changed after the time designated for receipt and opening thereof. Other than allowed by law, no negotiation as to the scope of the work, amount to be paid, or contractual terms is permitted unless expressly allowed for in an RFP. However, this does not preclude the Issuing entity from clarifying the bidder's intent by asking questions and considering answers.

7. A competitive bid, once opened and declared, is an irrevocable option and a contract right of which the public agency cannot be deprived without its consent, unless the requirements for rescission are present. All bids become public documents.

8. Bids cannot be accepted "in part," unless the solicitation specifically permits such an award.

9. Contracts entered through the competitive bidding process cannot later be amended, unless the Invitation for Bids includes a provision, to be incorporated in the contract awarded, providing for such amendments. Most do, but amendments typically must be in the general scope of the contract.