



Bid Mistakes & Bid Protests

Bid mistakes are a fairly common occurrence in the rush of competitive bidding. Contractors do not work under ideal conditions in their hurry to meet the deadline for submitting bids. Most courts recognize that honest, sincere people, even in the exercise of ordinary care, can make mistakes of such a fundamental character that holding the contractor to the bid would be fundamentally unfair. The elements for relief from bid mistake are examined in Chapter 4 of *Common Sense Construction Law*.

The federal government as well as virtually all other governmental entities, primarily uses either sealed bidding or competitive best-value proposals in the award of public construction contracts. In bidding or proposing on projects for public owners, contractors must rely not only upon their own evaluation of the invitation for bids, but also on a proper application of competitive bidding procedures by the owner. Whether the procurement is conducted using sealed bids or competitive proposals, challenges to the public agency's conduct of a particular procurement action is labeled "**bid protest**". The guiding principal for a bid protest is quick action, since most regulations specify that such action must be taken within a few days. Bid protests are discussed in Chapter 4 of *Common Sense Construction Law*.

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