

APPENDIX C

**REQUIREMENTS FOR COMPETITIVE BIDDING AND CRITERIA FOR AWARD OF
HIGHWAY CONSTRUCTION CONTRACTS**

STATE & CITATION	CLASSES OF CONTRACTS	CRITERIA FOR AWARD	AUTHORITY TO REJECT ALL BIDS
ALA. CODE § 39-2-6	Public works contracts exceeding \$50,000.	Lowest responsible and responsive bidder, unless awarding authority finds bid unreasonable or it is not in awarding authority's interest to accept any of the bids.	If all bids are unreasonable and it is not in awarding authority's interest to accept any, bids may be rejected and work done by force account by awarding authority.
ALASKA STAT. §§ 19.10.170; 36.30.170(a) 2 AAC § 12.860 – 870	All highway construction with estimated cost exceeding \$100,000. For construction costing less than \$100,000, department may perform work directly; however, for work over \$5,000, commissioner must make written findings that state forces will be less expensive than contracting.	Lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set out in the invitation to bid.	
ARIZ. REV. STAT. § 28-6923		Lowest responsible bidder whose proposal is satisfactory.	All bids may be rejected for any reason the contracting agent determines.
ARK. CODE § 27-67-206	All new construction, and all other construction costing \$10,000 or more; except for discretionary authority to contract with railroads for signals and safety devices at grade crossings, or grade crossing elimination. All materials purchased for road work.	Lowest responsible bidder.	Commission has right to reject any or all bids.
CAL. PUB. CONT. CODE §§ 10105; 10180; 10185	As of 2010, all work over \$250,000, which amount is adjusted every 2 years by California construction index.	Lowest responsible bidder.	May reject all bids if found to be not for best interest of the State to accept them; must state reasons for rejecting bids.
COLO. REV. STAT. §§	All construction contracts.	Low responsible bidder	All bids may be rejected

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24-92-103; 24-92-105		whose bid meets the requirements and criteria set forth in the invitation for bids.	when in best interest of state; reasons must be stated in contract file.
CONN. GEN. LAWS ANN. § 13a-95	Construction, alteration, improvement, reconstruction, relocation, widening, or change of grade of State highways or bridges.	Lowest bidder deemed responsible.	Commissioner may reject any and all bids for cause.
29 DEL. CODE § 6923	Contracts exceeding amount set by Contracting and Purchasing Advisory Council, unless Secretary of Transportation and Budget Commission determine it to be in best interests of state to enter into contract without bidding.	Lowest responsive and responsible bidder whose bid conforms in all material respects to the requirements and criteria set forth in the invitation to bid.	May reject all bids if it is advantageous to the state.
D.C. CODE §§ 2-354, et. seq.	Construction contracts over \$100,000.	Responsible and responsive bidder whose bid is most advantageous to District, considering price and other factors.	May reject all bids if in best interest of District.
FLA. STAT. § 337.11	All construction contracts exceeding \$250,000.	Lowest responsible bidder, or in the instance of a time-plus-money contract, the lowest evaluated responsible bidder.	May reject all bids and readvertise project, or perform work.
GA. CODE §§ 32-2-61; 32-2-64; 32-2-69	Any construction or maintenance contract over \$200,000.	Lowest reliable bid.	May reject any and all such bids, and readvertise, perform work directly, or abandon project.
HAW. REV. STAT. §§ 103D-301; 103D-302	All construction contracts.	Lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.	
IDAHO CODE § 67-280	Public works construction	Lowest responsible bidder.	May reject any or all bids.

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30 ILL. COMP. STAT. 500/20-5; 500/30-15; 500/20-20; 500/20-40 44 Ill. Admin. Code §§ 6.220; 6.240	All construction contracts over \$30,000, to be adjusted for inflation.	Lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.	All bids may be rejected when in best interest of State, in accordance with administrative rules.
IND. CODE §§ 8-23-9-2; 8-23-9-3; 8-23-9-4	All contracts for construction, improvement or maintenance of roads.	Lowest and best bidder, provided not more than 15 percent over engineer's estimate and in best interests of state.	May reject all and all bids for cause.
IOWA CODE ANN. §§ 313.10; 314.1	Construction contracts over \$1,000.	Bid price to be considered with financial responsibility, experience, equipment, and performance in similar work.	May reject any or all bids, and relet job without conducting an additional public hearing.
KAN. STAT. § 68-410	All State contracts for highway construction, improvement, reconstruction, and maintenance of State highway system involving more than \$1,000.	Lowest responsible bidder.	
KY. REV. STAT. §§ 176.080; 180.060	Construction and maintenance on State highways, bridges, and bridge approaches.	Lowest and best bidder.	May reject any or all bids if in best interest of State, and readvertise.
LA. REV. STAT. §§ 48:205; 48:255	Construction contracts over \$25,000.	Lowest responsible bidder.	May reject any and all bids if no satisfactory bids are received.
23 ME. REV. STAT. § 4243	Construction of state highways.	Lowest responsible bidder.	May reject any and all bids if there is deemed to be in the best interests of the department of transportation.
MD. STATE FIN. & PROC. CODE §§ 13-102; 13-103; 13-206.	All State highway construction.	Lowest responsible bidder, or lowest evaluated bid price if that process is noted in invitation for bids.	May reject all bids if in best interest of state.
MASS. LAWS ch. 30, § 39M; ch. 81, § 8	Construction, alteration, reconstruction, or repair in	Lowest eligible responsible bidder.	Invitation for bids reserves right to reject

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	excess of \$10,000.		all bids.
MICH. COMP. LAWS § 247.661c	All highways, streets, and bridges whose cost exceeds \$100,000, unless department affirmatively finds that another method is in public interest.		
MINN. STAT. § 161.32; 161.3410	May use state forces or contract.	Lowest responsible bidder, considering conformity with specifications, delivery terms, and other conditions imposed in bid notice; may also use life-cycle costing.	May reject any and all bids. If no satisfactory bids received, commissioner may readvertise or perform work directly.
MISS. CODE §§ 65-1-85	All contracts for construction, reconstruction, or other public work, and purchase of materials and supplies.	Lowest responsible bidder.	Director, with approval of Transportation Commission, may reject any and all bids.
MO. REV. STAT. § 227.100	All construction contracts.	Lowest responsible bidder.	Commission may reject all bids and do work under own supervision.
MONT. REV. CODE § 18-2-301; 18-1-102; 60-2, 11, 112, 135-137	Construction for \$75,000 or more.	Lowest responsible bidder.	If no responsible bids received after two attempts, may reject and contract in manner that is cost-effective to the state.
NEB. REV. STAT. § 39-1349	Contracts for construction, reconstruction, improvement, maintenance, and repair of State roads and bridges.	Lowest responsible bidder.	May reject any or all bids, and cause work to be done as directed by department.
NEV. REV. STAT. §§ 408.317; 408.323; 408.343	All construction, improvement, and maintenance on State highway system, except where director can justify that limited work can be done more economically or in other satisfactory manner by other means.	Lowest responsible bidder who has qualified and submitted bid in accordance with statute.	May reject any and all bids if, in the department's opinion, such bids are unbalanced, incomplete, irregular, or for other good cause.
N.H. REV. STAT. §§ 228:4; 228:4-a;	All major State highway projects over \$25,000, except	Lowest responsible bidder.	Right reserved to reject all bids or negotiate

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228:4(1)	normal maintenance and improvements.		with lowest responsible bidder.
N.J. STAT. § 27:7-30	Construction contracts for State highway system.	Lowest responsible bidder.	May reject any and all bids.
N.M. STAT. § 67-3-43	All construction, reconstruction, and maintenance on State highway system, except work performed directly by State Highway Department.	Lowest responsible bidder.	May reject any and all bids if such bids are unbalanced, or for other good cause.
N.Y. HIGH. LAW § 38	Contracts for construction or improvement of state highways.	Lowest responsible bidder as will best promote the public interest.	May reject any and all bids and readvertise if State's best interest will be promoted thereby.
N.C. GEN. STAT. §§ 136-28.1; 28.11	Contracts for highway construction or repair exceeding \$1.2 million. Contracts under that amount require three informal bids, without advertising.	Lowest responsible bidder.	Right is reserved to reject all bids.
N.D. CENT. CODE §§ 24-02-17, 18; 24-02-23	Construction or improvements exceeding \$20,000.	Responsible bidder submitting the lowest and best bid.	May reject all bids.
OHIO REV. CODE §§ 5517.02; 5525.01; 5525.10	State highway construction, improvement, and repair; bridge, culvert, and traffic signal projects over \$50,000; maintenance over \$25,000 per mile of highway.	Lowest competent and responsible bidder.	May reject any and all bids. No contract may be awarded that exceeds the estimate by more than 5 percent.
61 OKLA. STAT. §§ 102, 103, 111, 119	All construction work on State highway system.	Lowest responsible bidder.	Agency may reject all bids and readvertise if in best interest of state.
OR. REV. STAT. §§ 279A.383.2796; 279B.055; 279B.100; 279C.300; 279C.335, 279C.383;	All public contracts, except those declared exempt by Public Contract Review Board as (1) not likely to substantially diminish competition, (2) result in saving to contracting agency; or (3) if prompt action needed to deal with emergency.	Lowest responsible bidder.	May reject any or all bids for cause, and readvertise.

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62 PA. CONS. STAT. §§ 512(g); 3911	All work done by contract.	Lowest responsible bidder.	May reject any and all bids.
R.I. GEN. LAWS §§ 24-8-12; 24-8-12; 37-2-18; 37-2-22	All highway construction or improvements over \$10,000.	Lowest responsible and responsive bidder.	Right reserved to reject all bids.
S.C. CODE § 57-5-1620	Contracts for construction work on State highways involving \$10,000 or more.	Lowest qualified bidder.	
S.D. CODIFIED LAWS § 31-5-10	Contracts of State Highway Commission for highway improvements on trunk highway system.	Lowest competent and responsible bidder, unless bid is deemed unreasonable.	
TENN. CODE §§ 54-5-116; 54-5-118	Contracts of State Department of Transportation relating to highways.	Best and most advantageous offer. Lowest bid to be accepted.	
TEX. TRANSP. CODE §§ 223.004; 223.005	Contracts of highway department relating to State highway system over \$25,000.	Lowest bidder.	May reject any and all bids.
UTAH CODE §§ 72-6-107; 72-6-109; 63-56-20	Contracts of State Department of Transportation for construction or improvement of State highways.	Lowest responsible bidder.	Any or all bids may be rejected.
Code of Vt. Rules § 14-010-010 Vt. Agency of Trans. Policies, Procedures of Prequalification, bidding and Award of Contracts. §§ 103.01; 103.02; 7.06, 8.02	Agency of Transportation authorized to contract on such terms as it deems to be for best interest of State for construction, repair, and maintenance of State highways, and for use of machinery and equipment for road work, etc.	Lowest responsible bidder.	May reject bids if found to be on altered form, irregular, incomplete, conditional, or if bid is obviously unbalanced.
VA. CODE §§ 33.1-185; 2.2-4306; 2.2-	All contracts let by Commonwealth	Lowest responsive and responsible bidder.	May be canceled or rejected.

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4319; 2.2-4303	Transportation Board for construction or other necessary work; agency may use competitive negotiation at its option.		
WASH. REV. CODE §§ 47.28.090; 47.28.100	Contracts for construction on State highway system.	Lowest responsible bidder.	May reject lowest bid for good cause, and may reject all bids if in best interest of state.
W. VA. CODE § 17-4-19 Stan. Specs. § 103.2	Contracts of State Highway Department for road work, materials, and supplies exceeding \$3,000.	Lowest responsible bidder.	May reject all bids, and perform work directly.
WIS. STAT. § 84.06 Stan. Specs. §§103.1; 103.2	All contracts for construction, reconstruction, and rehabilitation of highways.	Lowest competent and responsible bidder.	All bids may be rejected if lowest bid exceeds estimated reasonable value of work, or if bids not in public interest.
WYO. STAT. § 24-2-108	Contracts for highway improvements exceeding \$200,000.	Lowest responsible qualified bidder.	Transportation Commission may reject any or all bids, and readvertise.

