

News: In The News

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Big Decision Favors Low Bidders on Public Works Projects

Competitive bidding laws generally require public entities to award contracts to the lowest responsible and responsive bidder on California public works of improvement.

In recent years, however, low bidders have been increasingly targeted by expensive and sometimes meritless litigation brought by unsuccessful bidders. As part of these actions, the unsuccessful bidder will allege a claim for interference with economic relations - that the low bidder interfered with its pre-existing relationship with the awarding agency by engaging in unlawful conduct, which changed the outcome of the competitive bidding process. Depending on various factors, such as risk-averseness of the awarding entity, such litigation has the potential to derail the project entirely for the low bidder.

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