

Withdrawal or Rescission of Low Bid by Contractor

Policy No. 2026-03

Purpose: To establish procedures and consequences when the apparent lowest responsible bidder rescinds or withdraws its bid after bid opening in public procurement projects.

Scope: Applies to all competitive sealed bids for goods, services, and construction projects solicited by the Van Buren County Road Commission.

Policy Statement: Binding Nature of Bids.

All bids submitted are considered firm offers and binding for the period stated in the solicitation. The bidder may not withdraw the bid after the deadline for bid submissions.

Rescission After Award:

If the lowest responsible bidder rescinds its bid after award but before contract execution:

- The bidder's bid bond or security shall be forfeited to the Van Buren County Road Commission unless the bidder clearly and convincingly satisfies the criteria for non-payment of the bid guaranty as defined in §102.16 of the 2020 MDOT Standard Specifications for Construction.
- Any costs or damages due to the rescission incurred by the Road Commission in excess of, or not covered by, a bid bond or security may be recovered directly from the defaulting bidder.
- The bidder may be removed from the approved bidders list and declared ineligible for reinstatement for a period of one (1) year.
- The bidder may be declared ineligible to participate as a subcontractor, supplier, or trucker on the project.

Award to Next Lowest Responsible Bidder:

The Van Buren County Road Commission reserves the right to award the contract to the next lowest responsible bidder or to re-bid the project, at its sole discretion.

Policy Adopted: June 3, 2026