

Negotiating After The Bid Opening

Iowa law prohibits negotiating with the low bidder after the bids have been opened. This is based on the premise that all bidders should have the right to bid on the same bid package. An Iowa Attorney General's opinion has recognized this principle.²⁵

It is permissible to negotiate *minor* changes with the low bidder after contracts have been signed but changes should be facilitated through the change order process. Under no circumstances should major changes be used to facilitate a negotiation process with a bidder. Major changes such as a change in scope require the project to be re-bid.

²⁵ See, 1994 Iowa Op. Atty. Gen. 95 (94-4-2).