

Performance Contracting

The practice often referred to as “performance contracting,” which combines finance, design, build, maintenance and operation all into one package is not permitted under Iowa’s competitive bidding laws.

The “Request for Proposal” process usually conducted in conjunction with performance contracting does not meet the competitive bid requirements outlined under Iowa Code as discussed above, since bidders are not competing on the basis of a single set of plans and specifications. ²⁶

²⁶ *Id.*