

Part I Chapter 39
Bid Modification and Withdrawal

- A. Prior to Bid Opening.** Bids may be modified or withdrawn by written notice, or in person, by a bidder or the bidder's representative if the requestor's identity is made known and a receipt for the bid is signed.
- B. After Bid Opening.** A bidder is entitled to withdraw an erroneous bid after bid opening provided:
- 1.** The bidder requests relief.
 - 2.** The bidder presents credible evidence with the request that the reason for the lower bid price was a clerical mistake as opposed to a judgment mistake and was actually due to an unintentional arithmetical error or an unintentional omission of a substantial quantity of work, labor, material, or services made directly in the compilation of the bid.
 - 3.** The request for relief and supporting evidence must be received by the contracting officer within three business days after bid opening, but before award of the contract.
 - 4.** The contracting officer shall not permit a bid withdrawal if the bid withdrawal would result in the award of the contract on another bid of the same bidder, its partner, or a corporation or business venture owned by or in which the bidder has a substantial interest.
 - 5.** If a bidder is permitted to withdraw its bid, the bidder cannot supply any material or labor or perform any subcontract or other work agreement for the awarded contractor, without the written approval of the contracting officer.
 - 6.** If a request for withdrawal is denied by the Commonwealth, and the bidder refuses to enter into a contract or to perform under the contract, the bidder or its surety shall be liable to the Commonwealth for damages.