

## **Part I Chapter 36 Bid or Proposal Security**

- A. Requirement to Provide Bid or Proposal Security.** In the case of an IFB, an RFQ against an ITQ, or an RFP (the "solicitation"), bidders or offerors may be required to provide a bid or proposal security. The instructions for an IFB or the proposal for an RFQ and RFP must include the requirements for any bid or proposal security and the consequences for non-compliance.
- B. Acceptable Forms of Security.** The acceptable forms of bid or proposal security are:
1. Certified Check.
  2. Bank Check.
  3. Bond provided by a surety company authorized to do business in this Commonwealth of Pennsylvania.
  4. Irrevocable letter of credit.
  5. Certificate of Deposit.
  6. Certificate of Insurance.
  7. Another form of security as specified in the IFB, ITQ, or RFP.
- C. Amount of Security.** At minimum, the security shall be a percentage of the bid or proposal amount or the minimum value specified in the solicitation.
- D. Noncompliance.** When the solicitation requires security, noncompliance with the solicitation's instructions by the bidder or offeror requires that the bid or proposal be rejected.
- E. Return of Bid Security.** When the solicitation requires security, the Agency shall, within thirty calendar days of bid opening, return the bid security to all but the lowest and 2<sup>nd</sup> lowest bidders under consideration for contract award.
- F. Bid Withdrawal.** If a bidder or offeror is permitted to withdraw its bid or proposal prior to award, no action shall be taken against the bidder or offeror or their security. The security must be returned to the supplier when a withdrawal is permitted.