

**AMERICAN BAR ASSOCIATION
SECTION OF PUBLIC CONTRACT LAW
SECTION OF STATE AND LOCAL GOVERNMENT LAW**

REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

RESOLVED, That the American Bar Association urges that any public acquisition at the federal, state, territorial, and local levels adhere to the following principles of competition in obtaining supplies, services, and construction:

PRINCIPLES OF COMPETITION IN PUBLIC PROCUREMENTS

1. Use full and open competition to the maximum extent practicable.
2. Permit acquisitions without competition only when authorized by law.
3. Restrict competition only when necessary to satisfy a reasonable public requirement.
4. Provide clear, adequate, and sufficiently definite information about public needs to allow offerors to enter the public acquisition on an equal basis.
5. Use reasonable methods to publicize requirements and timely provide solicitation documents (including amendments, clarifications and changes in requirements).
6. State in solicitations the bases to be used for evaluating bids and proposals and for making award.
7. Evaluate bids and proposals and make award based solely on the criteria in the solicitation and applicable law.
8. Grant maximum public access to procurement information consistent with the protection of trade secrets, proprietary or confidential source selection information, and personal privacy rights.
9. Ensure that all parties involved in the acquisition process participate fairly, honestly, and in good faith.
10. Recognize that adherence to these principles of competition is essential to maintenance of the integrity of the acquisition system.

Adopted by the American Bar Association House of Delegates in August 1998.