



ASA Revises Popular *Subcontractor Bid Proposal* to Deter ‘Bid Shopping’

The American Subcontractors Association has released an updated edition of its popular ASA *Subcontractor Bid Proposal*, a tool that construction subcontractors can incorporate into their bidding procedures.

The ASA *Subcontractor Bid Proposal* (2013) offers subcontractors and their clients an opportunity to establish terms of the ASA-endorsed ConsensusDocs 750 *Standard Form of Agreement Between Constructor and Subcontractor* (2012). If a client accepts the subcontractor’s bid that has been properly conditioned with this form, a binding contract exists based on the terms of the ConsensusDocs 750 (2012). Instructions are included with the form.

The major change to the ASA document is a provision designed to deter a subcontractor’s prospective client from using the subcontractor’s bid to secure a lower bid to the work, a practice known as “bid shopping.”

“All too often subcontractors are concerned about losing a project due to bid shopping,” said Brian W. Cabbage, the chair of ASA’s Task Force on Contract Documents and Contract Administration Counsel of the Heico Construction Group, LLC, Alexandria, Va. “This revision to the ASA bid proposal will help a subcontractor protect itself and protect the integrity of the bidding process from the harms of bid shopping.”

The new provision states:

“Subcontractor has devoted time, money, and resources toward preparing this bid in exchange for Customer’s express agreement that the parties shall have a binding contract consistent with the terms of this bid proposal and Customer unconditionally and irrevocably accepts this bid proposal if it (A) in any way uses or relies on the bid proposal or information therein to prepare “Customer’s bid” for the project at issue and Customer is awarded a contract for the work; or (B) divulges the bid or any information therein to others competing with Subcontractor for the work.”

ASA members can access the document in the [member resources](#) section of the ASA Web site, while nonmembers can download it at no cost by selecting “[Sample ASA Document](#).”

Founded in 1966, ASA amplifies the voice of, and leads, trade contractors to improve the business environment for the construction industry and to serve as a steward for the community. ASA’s vision is to be the united voice dedicated to improving the business environment in the construction industry. The ideals and beliefs of ASA are ethical and equitable business practices, quality construction, a safe and healthy work environment, and integrity and membership diversity.