

# **The Law of Highway Contracts**

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● THIS TALK summarized a study to be published as Highway Research Board Special Report 57, entitled "Highway Contracts: A Legal Analysis." There is, therefore, no need for a comprehensive treatment of the subject here. The following is an outline of the topics covered in the talk and analyzed in the forthcoming report:

## **CAPACITY OF PARTIES TO CONTRACT**

- Authority of Governments to Contract
  - Special Authorities Having Power to Contract
  - Authority of Officer Executing Contract
- Prequalification of Contractors
  - Agency Authorized to Qualify Contractors
  - Examinations
  - Qualification Requirements
  - Classification of Contractors
  - Subcontractors
  - Exemptions
  - Non-resident Contractors
  - Hearing and Appeal Procedures

## **ANTI-FRAUD PROVISIONS**

- Prohibited Interests in Public Contracts
- Collusion to Prevent Competition
- Other Provisions

## **COMPETITIVE BIDDING**

- When Required
- Minimum Amounts Where Competitive Bidding Not Required
- Advertising and Publication Requirements
  - Method of Advertising
  - Content of Advertisement
- Submission of Bids
- Bid Security Required by Statute
- Withdrawal of Bid

## **CRITERIA FOR HIGHWAY CONTRACT AWARD**

### **CONTRACTOR'S BONDS**

## **STATUTORY REGULATION OF SUBSTANCE OF CONTRACT**

- Labor Standards
  - Wage Rates
  - Hours of Work
  - Anti-discrimination Provisions
- Preference for Local Products
- Preference for Local Labor
- Provisions Concerning Patented Articles or Brand Names
- Other Provisions

**PERFORMANCE**

Amending, Changing, Altering or Supplementing Contract After Award  
Competitive Bidding Requirements in Relation to Contract Changes and Additions

Completion Time

Supervision, Inspection and Acceptance

Default and Termination of Contract

Payment

**MISCELLANEOUS PROVISIONS**

Contracts for Utility Relocation and Grade Separation

Contracts for Materials and Equipment

Convict Labor

HRB:OR-411