

# **Bond Case Briefs**

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## **CONTRACTS - RHODE ISLAND**

### **HK & S Const. Holding Corp. v. Dible**

**Supreme Court of Rhode Island - April 7, 2015 - A.3d - 2015 WL 1541949**

Low bidder on public construction project brought action against town, town officials, town's consultant, and consultant's technical leader arising out of the award of the contract to a contractor that submitted a higher bid, and asserting claims including wrongful denial of a municipal contract award, intentional interference with prospective contractual relations, and violations of procedural and substantive due process and equal protection under both the federal and state constitutions. The action was removed to federal court and, after dismissal of the federal constitutional claims, remanded. After remand, the Superior Court awarded summary judgment to defendants. Low bidder appealed.

The Supreme Court of Rhode Island held that bid submitted by low bidder was non-responsive, and thus town had discretion to award the contract to contractor that submitted higher bid.

Town's request for proposal (RFP) unambiguously required bidders to identify subcontractors and provide a company profile as part of the bid and warned that failure to submit required documents before the bid deadline could render a bid non-responsive, bid instructions did not indicate that any information could be submitted after the bid deadline, and low bidder did not dispute that it failed to provide the subcontractor information and company profile with its original bid.