

ARTICLE OR REGULATIONS PRIOR TO THE AWARD OF THE CONTRACT SHALL BE COMPENSATED FOR COSTS ACTUALLY INCURRED.

SUBTITLE 3. STATE PROCUREMENT REGULATIONS

2-301.

(A) BY ~~JULY--17--1981~~ DECEMBER 1, 1980, THE BOARD AND EACH DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

(B) STATE PROCUREMENT REGULATIONS MAY NOT CHANGE IN ANY WAY A PREEXISTING CONTRACTUAL OBLIGATION.

(C) A STATE PROCUREMENT REGULATION WHICH HAS BEEN ADOPTED PRIOR TO THE MAKING OF A CONTRACT AND WHICH REQUIRES THAT A CERTAIN CONTRACTUAL PROVISION IS MANDATORY FOR INCLUSION IN ALL OR CERTAIN CONTRACTS SHALL BE CONSIDERED INCLUDED IN SUCH CONTRACTS, WHETHER PHYSICALLY INCORPORATED INTO THE CONTRACT OR NOT, IF NOTICE OF ~~THIS--PROVISION~~ THE SPECIFIC PROVISION, INCLUDING ITS SUBJECT MATTER, IS A PART OF THE CONTRACT. ANY OTHER STATE PROCUREMENT REGULATION MAY BECOME PART OF A PROCUREMENT CONTRACT ONLY IF IT IS SET OUT IN THE CONTRACT OR IT IS INCORPORATED BY REFERENCE WITH THE CONSENT OF ALL PARTIES. HOWEVER, THE PARTIES TO THE CONTRACT MAY CONSENT TO INCORPORATION BY REFERENCE AT ANY TIME AFTER THE CONTRACT HAS BEEN MADE WITHOUT THE NECESSITY OF CONSIDERATION PASSING TO EITHER PARTY.

TITLE 3. SOURCE SELECTION AND CONTRACT FORMATION

SUBTITLE 1. DEFINITIONS

3-101.

(A) IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

(B) "COMPETITIVE NEGOTIATION" MEANS A PROCESS WHICH INCLUDES THE SUBMISSION OF WRITTEN TECHNICAL AND PRICE PROPOSALS FROM TWO OR MORE SOURCES AND A WRITTEN EVALUATION OF THOSE PROPOSALS IN ACCORDANCE WITH EVALUATION CRITERIA.

(C) "COST-REIMBURSEMENT CONTRACT" MEANS A CONTRACT UNDER WHICH THE STATE REIMBURSES THE CONTRACTOR FOR THOSE CONTRACT COSTS, WITHIN A STATED CEILING, WHICH ARE RECOGNIZED AS ALLOWABLE AND ALLOCABLE UNDER THE COST AND PRICE PRINCIPLE REGULATIONS ADOPTED PURSUANT TO TITLE 6, AND A FEE, IF ANY.

(D) "ESTABLISHED CATALOG PRICE" MEANS THE PRICE INCLUDED IN THE MOST CURRENT CATALOG, PRICE LIST, SCHEDULE, OR OTHER FORM THAT:

(1) IS REGULARLY MAINTAINED BY THE MANUFACTURER OR SUPPLIER OF AN ITEM;