

~~(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,~~ IN SELECTING ONE OF THE METHODS AUTHORIZED BY SUBSECTION (A) FOR THE AWARDING OF CONTRACTS, IT IS THE PUBLIC POLICY OF THIS STATE THAT COMPETITIVE SEALED BIDDING SHALL BE THE PREFERRED METHOD FOR AWARDING CONTRACTS.

~~(C) STATE CONTRACTS FOR TELECOMMUNICATIONS SUPPLIES AND SERVICES MAY BE AWARDED BY ANY METHOD AUTHORIZED IN SUBSECTION (A) EXCEPT COMPETITIVE SEALED BIDDING WHENEVER THE PROCUREMENT OFFICER DETERMINES THAT ONE OR MORE OF THE BIDDERS OR OFFERORS WILL BE A PUBLIC SERVICE COMPANY WHICH IS REGULATED PURSUANT TO ARTICLE 78.~~

3-202.

(A) CONTRACTS OVER THE AMOUNT PROVIDED BY § 3-206 SHALL BE AWARDED BY COMPETITIVE SEALED BIDDING UNLESS THE PROCUREMENT OFFICER, WITH THE APPROVAL OF THE AGENCY HEAD, DETERMINES THAT:

(1) SPECIFICATIONS CANNOT BE PREPARED THAT PERMIT AN AWARD ON THE BASIS OF EITHER THE LOWEST BID PRICE OR THE LOWEST EVALUATED BID PRICE; OR

(2) THE PRICE OF ANY SERVICE OR SUPPLY REQUIRED IN THE SPECIFICATIONS IS REGULATED BY THE PUBLIC SERVICE COMMISSION PURSUANT TO ARTICLE 78; OR

~~(2)~~ (3) THERE IS ONLY ONE AVAILABLE SOURCE; OR

~~(3)~~ (4) THERE IS AN UNANTICIPATED EMERGENCY WHICH LEAVES INSUFFICIENT TIME TO USE THIS METHOD; OR

~~(4)~~ (5) THERE IS SOME OTHER REASON IN THE PUBLIC INTEREST TO USE ONE OF THE OTHER AUTHORIZED METHODS WHICH IS SO COMPELLING AS TO OVERRIDE THE GENERAL PUBLIC POLICY IN FAVOR OF COMPETITIVE SEALED BIDS.

(B) THE INVITATION FOR BIDS SHALL STATE WHETHER AWARD WILL BE MADE ON THE BASIS OF THE LOWEST BID PRICE OR THE LOWEST EVALUATED BID PRICE, WHICHEVER IS APPLICABLE. IF THE LATTER BASIS IS USED, THE OBJECTIVE MEASURABLE CRITERIA TO BE USED SHALL BE SET FORTH IN THE INVITATION FOR BIDS.

(C) (1) PUBLIC NOTICE OF THE INVITATION FOR BIDS SHALL BE GIVEN PRIOR TO THE DATE FOR THE OPENING OF BIDS. THIS NOTICE SHALL BE REASONABLE IN TERMS OF THE NATURE OF THE PROCUREMENT BUT MAY NOT BE LESS THAN 10 DAYS PRIOR TO THE DATE FOR THE OPENING OF BIDS.

(2) NOTICES OF INVITATIONS FOR BIDS ON STATE CONTRACTS FOR WHICH THE BID AMOUNT IS REASONABLY EXPECTED TO BE OVER \$25,000 AND NOTICES OF THE SUBSEQUENT AWARDS OF THOSE PROJECTS SHALL BE PUBLISHED IN THE MARYLAND REGISTER.

(3) A NOTICE OF INVITATION FOR BIDS REQUIRED UNDER PARAGRAPH (2) SHALL BE PUBLISHED AT LEAST 30 DAYS