

(B) ADEQUATE PUBLIC NOTICE OF THE INTENDED PROCUREMENT SHALL BE GIVEN AS PROVIDED IN SECTION 3-202(C).

(C) THE REQUEST FOR PROPOSALS SHALL INDICATE THE RELATIVE IMPORTANCE OF EACH EVALUATION FACTOR, INCLUDING PRICE.

(D) EVERY REQUEST FOR PROPOSAL SHALL INCLUDE A WORK STATEMENT WHICH SHALL BE USED AS A BASIS FOR THE EVALUATION OF PROPOSALS.

(E) ANY WRITTEN OR ORAL NEGOTIATIONS SHALL BE CONDUCTED WITH ALL RESPONSIBLE OFFERORS. THESE NEGOTIATIONS MAY NOT DISCLOSE ANY INFORMATION DERIVED FROM PROPOSALS SUBMITTED BY COMPETING OFFERORS. IF THE REQUEST FOR PROPOSALS SO NOTIFIES ALL OFFERORS, NEGOTIATIONS BY THE PROCUREMENT OFFICER NEED NOT BE CONDUCTED:

(1) WITH RESPECT TO PRICES THAT ARE FIXED BY LAW OR REGULATION, EXCEPT THAT CONSIDERATION SHALL BE GIVEN TO COMPETITIVE TERMS AND CONDITIONS; OR

(2) IF TIME OF DELIVERY OR PERFORMANCE WILL NOT PERMIT NEGOTIATIONS; OR

(3) IF IT CAN BE DEMONSTRATED CLEARLY FROM THE EXISTENCE OF ADEQUATE COMPETITION OR ACCURATE PRIOR COST EXPERIENCE WITH THE PARTICULAR SUPPLY, SERVICE, OR CONSTRUCTION ITEM, THAT ACCEPTANCE OF AN INITIAL OFFER WITHOUT NEGOTIATION WOULD RESULT IN A FAIR AND REASONABLE PRICE.

(F) AFTER ALL APPROVALS REQUIRED BY LAW OR REGULATIONS HAVE BEEN OBTAINED, THE AWARD OF THE CONTRACT SHALL BE MADE TO THE RESPONSIBLE OFFEROR WHOSE PROPOSAL IS DETERMINED TO BE THE MOST ADVANTAGEOUS TO THE STATE, CONSIDERING PRICE AND THE EVALUATION FACTORS SET FORTH IN THE REQUEST FOR PROPOSALS.

3-204.

(A) A NEGOTIATED AWARD MAY BE MADE UNDER THIS SECTION IF ALL BIDS SUBMITTED UNDER SECTION 3-202 RESULT IN BID PRICES IN EXCESS OF THE FUNDS AVAILABLE FOR THE PURCHASE OR IF THE PROCUREMENT OFFICER, WITH THE APPROVAL OF THE AGENCY HEAD OR HIS DESIGNEE, DETERMINES THAT ALL PRICES RECEIVED ARE UNREASONABLE AS TO ONE OR MORE OF THE REQUIREMENTS AND:

(1) THAT THERE ARE NO ADDITIONAL FUNDS AVAILABLE TO PERMIT AN AWARD TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER; OR

(2) THAT ANY DELAY RESULTING FROM A RESOLICITATION UNDER REVISED SPECIFICATIONS OR QUANTITIES UNDER COMPETITIVE SEALED BIDDING AS PROVIDED IN SECTION 3-202, WOULD BE FISCALLY DISADVANTAGEOUS OR WOULD OTHERWISE