

NOT BE IN THE BEST INTEREST OF THIS STATE.

(B) IF THERE IS MORE THAN ONE BIDDER, NEGOTIATIONS SHALL BE CONDUCTED WITH ALL RESPONSIVE AND RESPONSIBLE BIDDERS. THESE NEGOTIATIONS SHALL BE CONDUCTED UNDER THE FOLLOWING RESTRICTIONS:

(1) IF NEGOTIATIONS ABOUT CHANGING THE SPECIFICATIONS OR QUANTITIES ARE HELD WITH ANY BIDDER, ALL OTHER BIDDERS SHALL BE ALLOWED TO TAKE PART IN THE NEGOTIATION;

(2) AN INVITATION FOR REVISED BIDS BASED ON REVISED SPECIFICATIONS OR QUANTITIES SHALL BE ISSUED AS PROMPTLY AS POSSIBLE, SHALL PROVIDE FOR A PROMPT RESPONSE TO THE REVISED REQUIREMENTS, AND AN AWARD SHALL BE MADE UPON THE BASIS OF THE LOWEST BID PRICE OR LOWEST EVALUATED BID PRICE SUBMITTED BY ANY RESPONSIVE AND RESPONSIBLE BIDDER. NEGOTIATIONS MAY NOT BE CONDUCTED WITH BIDDERS AFTER REVISED BIDS HAVE BEEN SUBMITTED UNLESS THE PROCUREMENT OFFICER DETERMINES THAT THERE IS A COMPELLING REASON. IF THE AWARD IS TO BE MADE WITHOUT COMPETITIVE NEGOTIATIONS, THE INVITATION FOR REVISED BID SHALL SO STATE.

(C) IF, AFTER COMPETITIVE SEALED BIDDING, IT IS DETERMINED THAT THERE IS ONLY ONE RESPONSIVE AND RESPONSIBLE BIDDER, A NONCOMPETITIVE NEGOTIATED AWARD MAY BE MADE WITH THAT BIDDER UNDER SECTION 3-205.

3-205.

(A) IF IT IS DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 3-202 OF THIS ARTICLE THAT COMPETITIVE SEALED BIDDING CANNOT BE USED IN AWARDING A CONTRACT BECAUSE THERE IS ONLY ONE AVAILABLE SOURCE FOR THE SUBJECT OF THE CONTRACT, THE PROCUREMENT OFFICER MAY, WITH THE APPROVAL OF THE AGENCY HEAD, AWARD A STATE PROCUREMENT CONTRACT BY NONCOMPETITIVE NEGOTIATION.

(B) IF IT IS DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 3-202 OF THIS ARTICLE THAT COMPETITIVE SEALED BIDDING CANNOT BE USED IN AWARDING A CONTRACT BECAUSE AN UNANTICIPATED EMERGENCY LEAVES INSUFFICIENT TIME TO USE THIS METHOD, THE PROCUREMENT OFFICER MAY, WITH THE APPROVAL OF THE AGENCY HEAD OR HIS DESIGNEE, AWARD A STATE PROCUREMENT CONTRACT BY NONCOMPETITIVE NEGOTIATION. THE USING AGENCY SHALL SUBSEQUENTLY SUBMIT TO THE BOARD A REPORT IN WRITING JUSTIFYING THE NEED FOR THIS EMERGENCY PROCUREMENT.

3-206.

PROCUREMENTS OF NOT MORE THAN \$5,000 \$7,500 MAY BE MADE UNDER SMALL PROCUREMENT PROCEDURES ADOPTED BY A DEPARTMENT. THE PROCEDURES ESTABLISHED BY THE DEPARTMENT SHALL PROVIDE FOR A SIMPLIFIED ADMINISTRATIVE PROCESS WHICH IS CONSISTENT WITH THE BASIC INTENT OF THIS ARTICLE AND WHICH IS NOT