

ECONOMICALLY DISADVANTAGEOUS TO THIS STATE. PROCUREMENTS MAY NOT BE ARTIFICIALLY DIVIDED SO AS TO CONSTITUTE A SMALL PROCUREMENT UNDER THIS SECTION. AT LEAST EVERY 3 YEARS, THE GOVERNOR SHALL REVIEW THE PREVAILING COSTS OF LABOR AND MATERIALS AND RECOMMEND TO THE LEGISLATURE BASED ON APPROPRIATE CHANGES IN PREVAILING COSTS OF LABOR AND MATERIALS APPROPRIATE ADJUSTMENTS IN THE CEILING OF SMALL PROCUREMENTS.

SUBTITLE 3. CANCELLATION AND REJECTION OF INVITATIONS  
FOR BIDS OR REQUESTS FOR PROPOSALS

3-301.

IF THE PROCUREMENT OFFICER, WITH THE APPROVAL OF THE AGENCY HEAD OR HIS DESIGNEE, DETERMINES THAT IT IS FISCALLY ADVANTAGEOUS OR IS OTHERWISE IN THE BEST INTEREST OF THE STATE, AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS, OR OTHER SOLICITATION MAY BE CANCELLED, OR ALL BIDS OR PROPOSALS MAY BE REJECTED.

SUBTITLE 4. QUALIFICATIONS AND DUTIES

3-401.

(A) PRIOR TO AN AWARD, THE PROCUREMENT OFFICER SHALL DETERMINE THAT A BIDDER OR OFFEROR IS RESPONSIBLE AND RESPONSIVE. THE UNREASONABLE FAILURE OF A BIDDER OR OFFEROR TO SUPPLY INFORMATION PROMPTLY IN CONNECTION WITH A DETERMINATION UNDER THIS SUBSECTION IS GROUNDS FOR A DETERMINATION THAT THE BIDDER OR OFFEROR IS NOT RESPONSIBLE OR RESPONSIVE.

(B) CONFIDENTIAL, PROPRIETARY INFORMATION, AND TRADE SECRETS FURNISHED BY A BIDDER OR OFFEROR UNDER THIS SECTION MAY BE DISCLOSED TO ANOTHER AGENCY ONLY IF THERE IS A DEMONSTRATED NEED FOR THE INFORMATION AND MAY NOT BE DISCLOSED OUTSIDE OF STATE GOVERNMENT EXCEPT AS PROVIDED BY THE PUBLIC INFORMATION ACT OR OTHER APPLICABLE LAWS OF THIS STATE.

3-402.

(A) THE DEPARTMENT SHALL ADOPT REGULATIONS WHICH PROVIDE FOR PREQUALIFICATION OF PERSONS AS PROSPECTIVE RESPONSIBLE BIDDERS AND OFFERORS FOR PARTICULAR TYPES OF SUPPLIES, SERVICES, AND CONSTRUCTION. SOLICITATION REGISTERS OF POTENTIAL CONTRACTORS OF SUPPLIES, SERVICES, AND CONSTRUCTION SHALL INCLUDE BUT NOT BE LIMITED TO ALL PREQUALIFIED PERSONS. PREQUALIFICATION DOES NOT PREVENT A DETERMINATION:

(1) BETWEEN THE TIME OF THE BID OPENING OR RECEIPT OF OFFERS AND THE MAKING OF AN AWARD, THAT A PREQUALIFIED PERSON IS NOT RESPONSIBLE; OR

(2) THAT A PERSON WHO IS NOT PREQUALIFIED AT THE TIME OF BID OPENING OR RECEIPT OF OFFERS IS RESPONSIBLE.