

SPECIFICATIONS OR QUANTITIES WOULD BE FISCALLY DISADVANTAGEOUS OR OTHERWISE NOT IN THE BEST INTERESTS OF THE COUNTY.

(II) IF THERE IS MORE THAN ONE BIDDER, DISCUSSIONS ABOUT REVISED SPECIFICATIONS OR QUANTITIES SHALL BE CONDUCTED WITH ALL RESPONSIBLE BIDDERS WHO SUBMITTED RESPONSIVE BIDS. THE BIDDERS SHALL BE TREATED FAIRLY AND EQUALLY WITH RESPECT TO ANY DISCUSSIONS.

(III) AS PROMPTLY AS POSSIBLE, THE PROCUREMENT OFFICER SHALL:

1. ISSUE AN INVITATION FOR REVISED BIDS, WHICH SHALL STATE WHETHER THE AWARD WILL BE MADE WITHOUT COMPETITIVE NEGOTIATIONS; AND

2. REQUIRE A PROMPT RESPONSE TO THAT INVITATION.

(IV) AN INVITATION FOR REVISED BIDS IS NOT SUBJECT TO PUBLIC NOTICE REQUIREMENTS.

(V) AFTER REVISED BIDS HAVE BEEN SUBMITTED, NEGOTIATIONS WITH BIDDERS MAY NOT BE CONDUCTED UNLESS THE PROCUREMENT OFFICER DETERMINES THAT THERE IS A COMPELLING REASON TO NEGOTIATE.

(VI) AFTER REVISED BIDS HAVE BEEN OPENED AND ANY APPROVAL REQUIRED BY LAW HAS BEEN OBTAINED, THE PROCUREMENT OFFICER SHALL AWARD THE PROCUREMENT CONTRACT TO THE RESPONSIBLE BIDDER WHO SUBMITS A RESPONSIVE BID THAT:

1. IS THE LOWEST BID PRICE; OR

2. IF THE INVITATION FOR REVISED BIDS SO PROVIDES, IS THE LOWEST EVALUATED BID PRICE.

(c) (1) Any contract entered into in violation of the provisions of this section is void.

(2) (i) The provisions of this section do not apply to:

1. Any contract or other transaction involving the deposit of county funds in any authorized State or federal banking institution;

2. [Necessary repairs made in case of emergency] EMERGENCY OR EXPEDITED PROCUREMENTS MADE UNDER § 1-106.4 OF THIS SUBTITLE;

3. The purchase of tangible personal property at a public auction;

4. Any contract for which the County Commissioners approve sole source procurement under § 1-106.2 of this subtitle; or