

9-109.

(a) (1) The recommendation of the Transportation Selection Board for the procurement and award of each contract for architectural and engineering services -{ costing over \$50,000 \$100,000-}- shall:

(i) Be made on a competitive basis; and

(ii) Include an evaluation of technical [and price proposals] PROPOSALS AND QUALIFICATIONS from two or more persons.

[(2) Neither the technical proposal nor the price proposal may be the sole criterion in making a recommendation on a competitive basis.]

~~(2) (1) THE TRANSPORTATION SELECTION BOARD SHALL MAKE ITS RECOMMENDATION FOR THE AWARD OF ALL CONTRACTS ON THE BASIS OF NEGOTIATION--AND IN ACCORDANCE WITH RULES AND REGULATIONS ADOPTED BY THE TRANSPORTATION SELECTION BOARD-~~

~~{++} THE TRANSPORTATION SELECTION BOARD AGENCY SHALL NEGOTIATE A CONTRACT WITH THE MOST QUALIFIED FIRM AT A RATE OF COMPENSATION THAT THE TRANSPORTATION SELECTION BOARD AGENCY DETERMINES IS FAIR, COMPETITIVE, AND REASONABLE. IN MAKING THAT DETERMINATION, THE TRANSPORTATION SELECTION BOARD AGENCY SHALL:~~

1. CONSIDER THE SCOPE AND COMPLEXITY OF THE PROFESSIONAL SERVICES REQUIRED; AND

2. CONDUCT A DETAILED ANALYSIS OF THE COST OF THE SERVICES.

~~{+++} (II) IF THE TRANSPORTATION SELECTION BOARD AGENCY IS UNABLE TO NEGOTIATE A SATISFACTORY CONTRACT WITH THE FIRM CONSIDERED TO BE THE MOST QUALIFIED AT A PRICE THE TRANSPORTATION SELECTION--BOARD AGENCY DETERMINES TO BE FAIR, COMPETITIVE, AND REASONABLE, THE BOARD AGENCY SHALL TERMINATE ANY NEGOTIATION WITH THAT FIRM. THE TRANSPORTATION SELECTION--BOARD AGENCY THEN SHALL NEGOTIATE WITH THE SECOND MOST QUALIFIED FIRM IN THE SAME MANNER. IF AGREEMENT CANNOT BE REACHED WITH THE SECOND MOST QUALIFIED FIRM, THE TRANSPORTATION SELECTION--BOARD AGENCY SHALL NEGOTIATE WITH THE THIRD MOST QUALIFIED FIRM.~~

~~{iv} (III) IF THE TRANSPORTATION SELECTION BOARD AGENCY IS UNABLE TO NEGOTIATE A SATISFACTORY CONTRACT WITH ANY OF THE SELECTED FIRMS, THE TRANSPORTATION SELECTION--BOARD AGENCY SHALL:~~

1. SELECT ADDITIONAL FIRMS IN ORDER OF THEIR COMPETENCE AND QUALIFICATION; AND

2. CONTINUE NEGOTIATIONS IN ACCORDANCE WITH THIS SECTION UNTIL AN AGREEMENT IS REACHED.