

~~(iii)~~ (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.

~~(v) THE TRANSPORTATION SELECTION BOARD MAY DELEGATE THE NEGOTIATION PROCESS TO THE DEPARTMENT OF TRANSPORTATION, BUT ANY NEGOTIATING TEAM SHALL CONTAIN A REPRESENTATIVE OF THE USING AUTHORITY.~~

~~(vi) THE TRANSPORTATION SELECTION BOARD SHALL~~

~~1. REVIEW ALL CONTRACT DOCUMENTS AND ANNOUNCE THEIR GENERAL CONTENT AT A PUBLIC MEETING OF THE TRANSPORTATION SELECTION BOARD, AND~~

~~2. MAKE AVAILABLE FOR PUBLIC REVIEW ALL DOCUMENTS RELATING TO AN AWARD, INCLUDING TECHNICAL RESUMES, PROPOSALS, SCOPE OF SERVICES, PROGRAMS, THE DETAILED CONTRACT, STAFF REPORTS, INTERNAL WORK SHEETS, AND ALL OTHER INFORMATION RELEVANT TO THE NEGOTIATION AND AWARD.~~

(IV) THE TRANSPORTATION AGENCY SHALL MAKE AVAILABLE TO THE PUBLIC THE DOCUMENTS RELATING TO THE TECHNICAL EVALUATION AND THE SELECTION PROCESS.

(b) (1) The Transportation Selection Board may waive the requirements of subsection (a) of this section if:

(i) It determines in writing that the architectural and engineering services cannot be defined so completely as to lend themselves to the procedures set forth in subsection (a) of this section;

(ii) The public health and safety is endangered after a natural disaster or act of God;