

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

(2) (I) THE GENERAL SELECTION BOARD SHALL MAKE ITS RECOMMENDATION FOR THE PROCUREMENT AND AWARD OF ALL CONTRACTS ON THE BASIS OF NEGOTIATION AND IN ACCORDANCE WITH RULES AND REGULATIONS ADOPTED BY THE GENERAL SELECTION BOARD.

(II) THE GENERAL SELECTION BOARD SHALL NEGOTIATE A CONTRACT WITH THE MOST QUALIFIED FIRM AT A RATE OF COMPENSATION THAT THE GENERAL SELECTION BOARD DETERMINES IS FAIR, COMPETITIVE, AND REASONABLE. IN MAKING THAT DETERMINATION, THE GENERAL SELECTION BOARD SHALL:

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

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

(III) IF THE GENERAL SELECTION BOARD IS UNABLE TO NEGOTIATE A SATISFACTORY CONTRACT WITH THE FIRM CONSIDERED TO BE THE MOST QUALIFIED AT A PRICE THE GENERAL SELECTION BOARD DETERMINES TO BE FAIR, COMPETITIVE, AND REASONABLE, THE BOARD SHALL TERMINATE ANY NEGOTIATION WITH THAT FIRM. THE GENERAL SELECTION BOARD 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 GENERAL SELECTION BOARD SHALL NEGOTIATE WITH THE THIRD MOST QUALIFIED FIRM.

(IV) IF THE GENERAL SELECTION BOARD IS UNABLE TO NEGOTIATE A SATISFACTORY CONTRACT WITH ANY OF THE SELECTED FIRMS, THE GENERAL SELECTION BOARD 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 GENERAL SELECTION BOARD MAY DELEGATE THE NEGOTIATION PROCESS TO THE DEPARTMENT OF GENERAL SERVICES, BUT ANY NEGOTIATING TEAM SHALL CONTAIN A REPRESENTATIVE OF THE USING AUTHORITY.

(VI) THE GENERAL SELECTION BOARD SHALL:

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

2. MAKE AVAILABLE FOR PUBLIC REVIEW ALL DOCUMENTS RELATING TO AN AWARD, INCLUDING TECHNICAL RESUMES,