

[13-201.] 11-109. METHODS OF AWARDING CONTRACTS.

(a) Except as provided in [Title 19] PARTS XIV AND XV OF THIS SUBTITLE, [or as otherwise authorized by law, all State contracts shall be awarded by] A PROCUREMENT AGENCY SHALL AWARD EVERY CONTRACT BY ONE OF THE FOLLOWING METHODS:

(1) [Competitive] COMPETITIVE sealed bidding, under § [13-202] 11-110 OF THIS SUBTITLE;

(2) [Competitive negotiation] COMPETITIVE SEALED PROPOSALS, under § [13-203] 11-111 OF THIS SUBTITLE;

(3) [Revised bids after competitive sealed bidding where all bids are rejected] SOLE SOURCE PROCUREMENT, under § [13-204] 11-112 OF THIS SUBTITLE;

(4) [Noncompetitive negotiation] EMERGENCY OR EXPEDITED PROCUREMENT, under § [13-205] 11-113 OF THIS SUBTITLE;

(5) [Small] SMALL procurement [procedure], under § [13-206] 11-114 OF THIS SUBTITLE; or

(6) [Noncompetitive] NONCOMPETITIVE negotiated procurement, under § [13-207] 11-115 OF THIS SUBTITLE.

(b) (1) Except as provided in paragraph (2) of this subsection, in selecting one of the methods authorized by subsection (a) for the awarding of contracts, [it is the public policy of this State that competitive sealed bidding shall be the preferred method for awarding contracts] A PROCUREMENT AGENCY PREFERABLY SHALL AWARD EACH CONTRACT BY THE COMPETITIVE SEALED BIDDING METHOD.

(2) In awarding contracts for the procurement of human, social, cultural, or educational services, the preferred method of award is by competitive [negotiation] SEALED PROPOSALS.

(c) (1) SPECIFICATIONS SHALL BE DRAFTED TO ENCOURAGE THE MAXIMUM PRACTICABLE COMPETITION WITHOUT MODIFYING THE STATE'S REQUIREMENTS.

(2) SPECIFICATIONS MAY NOT BE DRAFTED TO FAVOR A SINGLE PROSPECTIVE BIDDER OR OFFEROR OVER OTHER PROSPECTIVE BIDDERS OR OFFERORS.

[13-202.] 11-110. COMPETITIVE SEALED BIDDING.

(a) [Contracts over the amount provided by § 13-206 shall be awarded by competitive sealed bidding unless the procurement officer, with the approval of the agency head, determines that:

(1) Specifications cannot be prepared that permit an award on the basis of either the lowest bid price or the lowest evaluated bid price; or