

(2) The price of any service or supply required in the specifications is regulated by the Public Service Commission pursuant to Article 78; or

(3) There is only one available source; or

(4) There is an unanticipated emergency which leaves insufficient time to use this method; or

(5) There is some other reason in the public interest to use one of the other authorized methods which is so compelling as to override the general public policy in favor of competitive sealed bids.] THE PROVISIONS OF THIS SECTION RELATING TO COMPETITIVE SEALED BIDDING SHALL APPLY TO ALL PROCUREMENTS UNLESS ANOTHER METHOD OF SOURCE SELECTION IS SPECIFICALLY AUTHORIZED BY THIS SUBTITLE.

(b) (1) (I) [The invitation for bids] BIDS SHALL BE ~~SOUGHT~~ SOUGHT BY AN INVITATION FOR BIDS, WHICH shall state whether THE award will be made on the basis of the lowest bid price or the lowest evaluated bid price[, whichever is applicable].

(II) If the [latter basis] LOWEST EVALUATED BID PRICE is used, [the] objective measurable criteria [to be used] TO DETERMINE THE LOWEST EVALUATED BID PRICE shall be set forth in the invitation for bids.

(III) 1. WHEN IT IS ~~CONSIDERED~~ DETERMINED IMPRACTICABLE TO INITIALLY PREPARE SPECIFICATIONS TO SUPPORT AN AWARD BASED ON PRICE, AN INVITATION FOR BIDS MAY BE ISSUED REQUESTING THE SUBMISSION OF UNPRICED TECHNICAL OFFERS, OR SAMPLES, OR BOTH AND BIDDERS WHOSE TECHNICAL SUBMISSIONS HAVE BEEN FOUND TO BE ACCEPTABLE UNDER THE CRITERIA SET FORTH IN THE INVITATION FOR BIDS SHALL THEN HAVE THEIR PRICES CONSIDERED.

2. PRICE BIDS MAY BE SUBMITTED, AT THE PROCUREMENT AGENCY'S OPTION, BY ALL BIDDERS AT THE SAME TIME AS THE TECHNICAL SUBMISSIONS OR, AFTER TECHNICAL SUBMISSIONS HAVE BEEN EVALUATED, BY ONLY BIDDERS WHO MADE ACCEPTABLE TECHNICAL SUBMISSIONS.

3. PRICE INFORMATION MAY NOT BE OPENED UNTIL THE TECHNICAL EVALUATION IS COMPLETE.

4. THE PRICE BIDS OF BIDDERS WHOSE TECHNICAL SUBMISSIONS WERE FOUND UNACCEPTABLE MAY NOT BE OPENED AND SHALL BE RETURNED TO THE BIDDERS.

[(c) (1)] (2) (I) Public notice of the invitation for bids shall be given [prior to the date for the] BEFORE BID opening [of bids].

(II) [This notice] PUBLIC NOTICE OF THE INVITATION FOR BIDS shall be reasonable in terms of the nature of