

(II) BIDDERS SHALL BE ACCORDED FAIR AND EQUAL TREATMENT WITH RESPECT TO ANY DISCUSSIONS.

(5) (I) AN INVITATION FOR REVISED BIDS BASED ON REVISED SPECIFICATIONS OR QUANTITIES SHALL BE ISSUED AS PROMPTLY AS POSSIBLE AND SHALL REQUIRE A PROMPT RESPONSE TO THE REVISED REQUIREMENTS.

(II) THE NOTICE PROVISIONS OF SUBSECTION (B)(2) OF THIS SECTION DO NOT APPLY TO AN INVITATION FOR REVISED BIDS BASED ON REVISED SPECIFICATIONS OR QUANTITIES.

(6) (I) NEGOTIATIONS MAY NOT BE CONDUCTED WITH BIDDERS AFTER REVISED BIDS HAVE BEEN SUBMITTED UNLESS THE PROCUREMENT OFFICER DETERMINES THAT THERE IS A COMPELLING REASON TO DO SO.

(II) IF THE AWARD IS TO BE MADE WITHOUT COMPETITIVE NEGOTIATIONS, THE INVITATION FOR REVISED BIDS SHALL SO STATE.

(7) THE CONTRACT SHALL BE AWARDED ON THE BASIS OF THE LOWEST BID PRICE OR LOWEST EVALUATED BID PRICE SUBMITTED BY ANY RESPONSIVE AND RESPONSIBLE BIDDER.

(D) IF A CONTRACT SPECIFIED IN § 11-103(A)(2) IS AWARDED UNDER THIS SECTION, ANY REFERENCE IN THIS SECTION TO "LOWEST BID PRICE" OR "LOWEST EVALUATED BID PRICE" SHALL BE DEEMED TO MEAN THE BID MOST FAVORABLE TO THE STATE.

[13-203.] 11-111. COMPETITIVE SEALED PROPOSALS.

(a) [If the procurement officer determines, in accordance with the provisions of § 13-202 of this article, that competitive sealed bidding cannot be used but that there is more than one available source for the subject of the contract, the procurement officer may, with the approval of the agency head or his designee, award a contract by competitive negotiation.] A CONTRACT MAY BE AWARDED BY THE COMPETITIVE SEALED PROPOSALS METHOD UNDER THIS SECTION IF:

(1) THE PROCUREMENT OFFICER DETERMINES, WITH THE APPROVAL OF THE PROCUREMENT AGENCY HEAD, THAT SPECIFICATIONS CANNOT BE PREPARED THAT PERMIT AN AWARD ON THE BASIS OF EITHER THE LOWEST BID PRICE OR THE LOWEST EVALUATED BID PRICE; OR

(2) THE PROCUREMENT AGENCY HEAD DETERMINES THAT COMPETITIVE SEALED BIDDING FOR THE PARTICULAR CONTRACT IS EITHER NOT PRACTICABLE OR NOT ADVANTAGEOUS TO THE STATE, AND THAT THE NEED TO USE A METHOD OTHER THAN COMPETITIVE SEALED BIDDING IS SO COMPELLING AS TO OVERRIDE THE GENERAL PUBLIC POLICY IN FAVOR OF COMPETITIVE SEALED BIDDING--; OR

(3) THE CONTRACT IS FOR THE PROCUREMENT OF HUMAN, SOCIAL, CULTURAL, OR EDUCATIONAL SERVICES.