

[(b) Adequate public notice of the intended procurement shall be given as provided in § 13-202(c).

(c) The request for proposals shall indicate the relative importance of each evaluation factor, including price.

(d) Every request for proposal shall include a work statement which shall be used as a basis for the evaluation of proposals.]

(B) IF THE COMPETITIVE SEALED PROPOSALS METHOD IS AUTHORIZED BY SUBSECTION (A), PROPOSALS SHALL BE SOLICITED BY A REQUEST FOR PROPOSALS WHICH SHALL, AT A MINIMUM, INCLUDE:

(1) A STATEMENT OF THE SCOPE OF THE CONTRACT; AND

(2) A LIST OF THE FACTORS AND THE RELATIVE IMPORTANCE OF EACH FACTOR, INCLUDING PRICE, THAT WILL BE USED IN EVALUATING PROPOSALS.

(C) PUBLIC NOTICE OF THE REQUEST FOR PROPOSALS AND OF THE SUBSEQUENT AWARD SHALL BE GIVEN IN THE SAME MANNER AS IS REQUIRED FOR COMPETITIVE SEALED BIDDING UNDER § 11-110(B)(2) OF THIS SUBTITLE.

(e) Any written or oral negotiations shall be conducted with all responsible offerors. These negotiations may not disclose any information derived from proposals submitted by competing offerors. If the request for proposals so notifies all offerors, negotiations by the procurement officer need not be conducted:

(1) With respect to prices that are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions; or

(2) If time of delivery or performance will not permit negotiations; or

(3) If it can be demonstrated clearly from the existence of adequate competition or accurate prior cost experience with the particular supply, service, or construction item, that acceptance of an initial offer without negotiation would result in a fair and reasonable price.]

(D) (1) AFTER PROPOSALS ARE RECEIVED AND BEFORE AWARD, THE PROCUREMENT AGENCY MAY CONDUCT DISCUSSIONS, AS PROVIDED UNDER THIS SUBSECTION AND IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE, FOR THE PURPOSE OF ASSURING FULL UNDERSTANDING OF THE STATE'S REQUIREMENTS, AS DESCRIBED IN THE REQUEST FOR PROPOSALS, AND OF THE OFFERORS' PROPOSALS, AND TO OBTAIN THE BEST PRICE FOR THE STATE.

(2) IF DISCUSSIONS ARE CONDUCTED, ALL RESPONSIBLE OFFERORS THAT SUBMIT PROPOSALS JUDGED BY THE PROCUREMENT OFFICER