

TO BE REASONABLY SUSCEPTIBLE OF BEING SELECTED FOR AWARD SHALL BE OFFERED THE OPPORTUNITY TO PARTICIPATE IN THE PROCESS.

(3) ALL SUCH OFFERORS SHALL BE ACCORDED FAIR AND EQUAL TREATMENT WITH RESPECT TO ANY DISCUSSIONS.

(4) THE PROCUREMENT AGENCY MAY NOT DISCLOSE TO A COMPETING OFFEROR ANY INFORMATION DERIVED FROM A PROPOSAL OF, OR FROM DISCUSSIONS WITH, ANOTHER COMPETING OFFEROR.

(5) IF DISCUSSIONS INDICATE THAT IT WOULD BE IN THE STATE'S BEST INTEREST, THE PROCUREMENT AGENCY MAY PERMIT ALL RESPONSIBLE OFFERORS THAT SUBMITTED INITIAL PROPOSALS JUDGED BY THE PROCUREMENT OFFICER TO BE REASONABLY SUSCEPTIBLE OF BEING SELECTED FOR AWARD TO REVISE THEIR INITIAL PROPOSALS BY SUBMITTING BEST AND FINAL OFFERS.

(6) THE PROCUREMENT AGENCY MAY CONDUCT MORE THAN ONE SERIES OF DISCUSSIONS AND REQUESTS FOR BEST AND FINAL OFFERS.

[(f)] (E) After all approvals required by law or [regulations] REGULATION have been obtained, the [award of the] contract shall be [made] AWARDED to the responsible offeror whose proposal OR BEST AND FINAL OFFER is determined to be the most advantageous to the State, considering price and the OTHER evaluation factors set forth in the request for proposals.

(F) PROPOSALS AND BEST AND FINAL OFFERS ARE IRREVOCABLE FOR THE PERIOD SPECIFIED IN THE REQUEST FOR PROPOSALS OR ANY REQUEST FOR BEST AND FINAL OFFERS, EXCEPT THAT THE PROPOSAL MAY BE WITHDRAWN OR CORRECTED AS PROVIDED IN § 11-110(B)(6) OF THIS SUBTITLE.

[13-204.

(a) A negotiated award may be made under this section if all bids submitted under § 13-202 of this article result in bid prices in excess of the funds available for the purchase or if the procurement officer, with the approval of the agency head or his designee, determines that all prices received are unreasonable as to one or more of the requirements and:

(1) That there are no additional funds available to permit an award to the lowest responsive and responsible bidder; or

(2) That any delay resulting from a resolicitation under revised specifications or quantities under competitive sealed bidding as provided in § 13-202, would be fiscally disadvantageous or would otherwise not be in the best interest of this State.

(b) If there is more than one bidder, negotiations shall be conducted with all responsive and responsible bidders. These negotiations shall be conducted under the following restrictions: