

(1) If negotiations about changing the specifications or quantities are held with any bidder, all other bidders shall be allowed to take part in the negotiation;

(2) An invitation for revised bids based on revised specifications or quantities shall be issued as promptly as possible, shall provide for a prompt response to the revised requirements, and an award shall be made upon the basis of the lowest bid price or lowest evaluated bid price submitted by any responsive and responsible bidder. Negotiations may not be conducted with bidders after revised bids have been submitted unless the procurement officer determines that there is a compelling reason. If the award is to be made without competitive negotiations, the invitation for revised bids shall so state.

(c) If, after competitive sealed bidding, it is determined that there is only one responsive and responsible bidder, a noncompetitive negotiated award may be made with that bidder under § 13-205.]

11-112. SOLE SOURCE PROCUREMENT.

(A) IF THE PROCUREMENT OFFICER DETERMINES THAT A COMPETITIVE METHOD CANNOT BE USED TO AWARD A CONTRACT BECAUSE THERE IS ONLY ONE AVAILABLE SOURCE FOR THE SUBJECT OF THE CONTRACT, THE PROCUREMENT OFFICER, AFTER OBTAINING THE APPROVAL OF THE PROCUREMENT AGENCY HEAD AND ALL OTHER APPROVALS REQUIRED BY LAW OR REGULATION, MAY AWARD A CONTRACT WITHOUT COMPETITION TO THE SOLE SOURCE. NOTICE OF ANY AWARD UNDER THIS SECTION SHALL BE PUBLISHED IN THE MARYLAND REGISTER.

(B) (1) WITH THE PRIOR WRITTEN APPROVAL OF THE ATTORNEY GENERAL, A PROCUREMENT AGENCY MAY ENTER INTO A SOLE SOURCE CONTRACT TO RETAIN THE SERVICES OF A CONTRACTOR IN CONNECTION WITH:

(I) THREATENED OR PENDING LITIGATION;

(II) APPRAISAL OF REAL PROPERTY CONTEMPLATED FOR ACQUISITION BY THE STATE; OR

(III) COLLECTIVE BARGAINING.

(2) THIS SUBSECTION APPLIES ONLY TO PROCUREMENTS IN WHICH:

(I) THE CONTRACTOR IS BEING RETAINED TO REPRESENT THE STATE; AND

(II) THE NATURE OF THE SERVICES TO BE PERFORMED REQUIRES CONFIDENTIALITY.

(3) THIS SUBSECTION DOES NOT APPLY IF THE PROCUREMENT AGENCY CAN REASONABLY ANTICIPATE A CONTINUING NEED FOR A