

THEREAFTER, THE CONTENTS OF A BID AND OF ANY DOCUMENT SUBMITTED WITH A BID ARE OPEN TO PUBLIC INSPECTION.

(D) (1) BEFORE AWARD, THE STATE MAY NOT DISCLOSE THE ~~IDENTITY OF AN OFFEROR OR~~ THE CONTENTS OF A PROPOSAL TO ANY PERSON OTHER THAN AN ~~EMPLOYEE OF THE STATE OR OTHER~~ A PERSON RESPONSIBLE FOR EVALUATING OR REVIEWING THE PROPOSAL.

(2) AFTER AN AWARD, ALL PROPOSALS SHALL BE OPEN TO PUBLIC INSPECTION SUBJECT TO THE PROCEDURAL PROVISIONS OF TITLE 10, SUBTITLE 6, PART III (ACCESS TO PUBLIC RECORDS) OF THE STATE GOVERNMENT ARTICLE.

(E) (1) IF THE RECORDS WOULD NOT BE AVAILABLE BY LAW TO A PRIVATE PARTY IN LITIGATION WITH AN AGENCY, A PROCUREMENT OFFICER MAY DENY PUBLIC ACCESS TO THE ADVISORY OR DELIBERATIVE RECORDS OF ANY EVALUATOR OF A PROPOSAL.

(2) A SUMMARY OF ANY FINAL EVALUATION SHALL BE OPEN TO PUBLIC INSPECTION UNDER SUBJECT TO THE PROVISIONS OF TITLE 10, SUBTITLE 6, PART III (ACCESS TO PUBLIC RECORDS) OF THE STATE GOVERNMENT ARTICLE.

~~{F}--IF A STATE AGENCY DEMONSTRATES IN WRITING A REASONABLE NEED FOR COMMERCIAL INFORMATION FURNISHED BY A BIDDER OR OFFEROR, A PROCUREMENT AGENCY MAY DISCLOSE THE COMMERCIAL INFORMATION TO THE AGENCY.~~

{G} {F} NOTHING IN SUBSECTIONS (A) THROUGH (E) OF THIS SECTION SHALL AFFECT THE AUTHORITY OF THE BOARD OF CONTRACT APPEALS OR A COURT OF COMPETENT JURISDICTION TO:

(1) DECIDE THAT INFORMATION IS DISCOVERABLE IN AN ADMINISTRATIVE OR JUDICIAL PROCEEDING; AND

(2) COMPEL DISCLOSURE.

~~{H}--TITLE--10,--SUBTITLE--6,--PART--III--(ACCESS--TO--PUBLIC--RECORDS)--OF--THE--STATE--GOVERNMENT--ARTICLE--SHALL--GOVERN--ANY--DISCLOSURE--OF--INFORMATION--THAT--IS--NOT--COVERED--BY--SUBSECTIONS--(A) THROUGH--(E)--OF--THIS--SECTION.~~

~~{I}--ANY--PERSON--DENIED--ACCESS--TO--ANY--RECORD--REQUESTED--UNDER--SUBSECTIONS--(A) THROUGH--(E)--OF--THIS--SECTION--MAY--PROCEED--UNDER--THE--JUDICIAL--REVIEW--AND--OTHER--REMEDY--PROVISIONS--OF--TITLE--10,--SUBTITLE--6,--PART--III--(ACCESS--TO--PUBLIC--RECORDS)--OF--THE--STATE--GOVERNMENT--ARTICLE.~~

{G} TO THE EXTENT NOT COVERED BY THE FOREGOING SUBSECTIONS, TITLE 10, SUBTITLE 6, PART III (ACCESS TO PUBLIC RECORDS) SHALL GOVERN ANY REQUEST FOR THE DISCLOSURE OF INFORMATION RELATED TO ANY PROCUREMENT.

[Subtitle 4.] PART V. Qualifications and Duties.