

[13-401.] 11-118. DETERMINATION OF RESPONSIBILITY AND RESPONSIVENESS.

(a) [Prior to an award, the procurement officer shall determine that a bidder or offeror is responsible and responsive.] IF A PROCUREMENT OFFICER DETERMINES THAT A BIDDER OR OFFEROR IS NOT RESPONSIBLE, THE DETERMINATION SHALL BE MADE A PART OF THE PROCUREMENT FILE. The unreasonable failure of a bidder or offeror to supply information promptly in connection with a determination under this [subsection] SECTION is grounds for a determination that the bidder or offeror is not responsible [or responsive].

[(b) Confidential, proprietary information, and trade secrets furnished by a bidder or offeror under this section may be disclosed to another agency only if there is a demonstrated need for the information and may not be disclosed outside of State government except as provided by the Public Information Act or other applicable laws of this State.]

(B) IF A PROCUREMENT OFFICER DETERMINES THAT A BID IS NONRESPONSIVE, THE DETERMINATION SHALL BE MADE A PART OF THE PROCUREMENT FILE.

[13-402.] 11-119. PREQUALIFICATION.

(a) [The Department] A DEPARTMENT may adopt regulations [which] THAT provide for prequalification of persons as prospective responsible bidders and offerors for particular types of supplies, services, [and] construction, CONSTRUCTION RELATED SERVICES, ARCHITECTURAL SERVICES, OR ENGINEERING SERVICES. Solicitation registers of potential contractors [of supplies, services, and construction] shall include [but not be limited to] all prequalified persons.

(b) If prequalification is used, prequalification does not prevent:

(1) [A] A determination between the time of the bid opening or receipt of [offers] PROPOSALS and the making of an award, that a prequalified person is not responsible;

(2) [A] A determination that a person who is not prequalified at the time of bid opening or receipt of [offers] PROPOSALS is responsible; or

(3) [A] A person who is not prequalified from submitting a bid or [offer] PROPOSAL.

[13-403.]

(a) Each contractor shall submit cost or price information and shall certify that, to the best of his knowledge, the information submitted is accurate, complete, and current as of a