

authority is deemed final action by the agency, department, or its equivalent, as the case may be.

(e) (1) Within 15 days of receipt of notice of a final action disapproving a resolution or approving a decision not to resolve a dispute relating to the formation of a State contract, the bidder or offeror or prospective bidder or offeror may appeal the action to the State Board of Contract Appeals. The decision of the Board is final only subject to judicial review.

(2) Within 30 days of receipt of notice of a final action disapproving a settlement or approving a decision not to settle a dispute relating to a contract entered into by the State, the contractor may appeal to the Maryland State Board of Contract Appeals.

(f) An approved settlement is judicially enforceable in the appropriate court.]

(A) IN THIS PART XII, THE TERM "APPEALS BOARD" MEANS THE MARYLAND STATE BOARD OF CONTRACT APPEALS.

(B) (1) A PROSPECTIVE BIDDER OR OFFEROR, A BIDDER OR OFFEROR, OR A CONTRACTOR MAY, BY THE FILING OF A TIMELY DEMAND AS DEFINED IN REGULATIONS ADOPTED BY THE APPROPRIATE DEPARTMENT, INITIATE A COMPLAINT RELATING TO THE FORMATION OF A CONTRACT OR RELATING TO A CONTRACT THAT HAS BEEN ENTERED INTO.

(2) COMPLAINTS RELATING TO THE FORMATION OF A CONTRACT INCLUDE THOSE CONCERNING THE QUALIFICATIONS OF A BIDDER OR OFFEROR AND THE DETERMINATION OF THE SUCCESSFUL BIDDER OR OFFEROR.

(3) COMPLAINTS RELATING TO A CONTRACT THAT HAS BEEN ENTERED INTO INCLUDE THOSE CONCERNING THE PERFORMANCE, BREACH, MODIFICATION, OR TERMINATION OF THE CONTRACT.

(4) THE PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE (ADMINISTRATIVE PROCEDURE ACT - CONTESTED CASES) DO NOT APPLY TO THE DISPOSITION OF COMPLAINTS UNDER THIS SECTION.

(C) (1) UPON THE INITIATION OF A COMPLAINT UNDER SUBSECTION (B) OF THIS SECTION, THE PROCUREMENT OFFICER OF THE PROCUREMENT AGENCY INVOLVED:

(I) SHALL REVIEW THE SUBSTANCE OF THE COMPLAINT;

(II) UNLESS CLEARLY INAPPROPRIATE, SHALL SEEK THE ADVICE OF THE STATE LAW DEPARTMENT;

(III) MAY CONDUCT DISCUSSIONS, AND, IF APPROPRIATE, CONDUCT NEGOTIATIONS, WITH THE PERSON INITIATING THE COMPLAINT PROCEEDING;