

determines to be fair, competitive, and reasonable, the agency shall terminate any negotiation with that firm. The transportation agency then shall negotiate with the second most qualified firm in the same manner. If agreement cannot be reached with the second most qualified firm, the transportation agency shall negotiate with the third most qualified firm.

(iii) If the transportation agency is unable to negotiate a satisfactory contract with any of the selected firms, the transportation agency shall:

1. Select additional firms in order of their competence and qualification; and

2. Continue negotiations in accordance with this section until an agreement is reached.

(iv) The Transportation Selection Board may delegate the negotiation process to the Department of Transportation, but any negotiating team shall contain a representative of the using authority.

(v) The Transportation Selection Board shall:

1. Review all contract documents and announce their general content at a public meeting of the Transportation Selection Board; and

2. Make available for public review all documents relating to an award, including technical resumes, proposals, scope of services, programs, the detailed contract, staff reports, internal work sheets, and all other information relevant to the negotiation and award.

(b) (1) The Transportation Selection Board may waive the requirements of subsection (a) of this section if:

(i) [It] IT determines in writing that the architectural and engineering services cannot be defined so completely as to lend themselves to the procedures set forth in subsection (a) of this section;

(ii) [The] THE public health and safety is endangered after a natural disaster or act of God;

(iii) [An] AN emergency is declared by the Governor; or

(iv) [A] A bona fide single source of supply or a proprietary product or process is required.

(2) Each waiver and the reasons for it shall be:

(i) [Documented] DOCUMENTED and reported to the Legislative Policy Committee within 30 days; and