

~~(1)~~ (1) THE PROCUREMENT IS FOR HUMAN, SOCIAL, CULTURAL, OR EDUCATIONAL SERVICES;

(2) WITH THE APPROVAL OF THE HEAD OF A UNIT, THE PROCUREMENT OFFICER DETERMINES THAT SPECIFICATIONS CANNOT BE PREPARED THAT ALLOW AN AWARD BASED ON THE LOWEST BID PRICE, THE LOWEST EVALUATED BID PRICE OR, IF THE PROCUREMENT IS SUBJECT TO § 11-202(3) OF THIS ARTICLE, THE BID MOST FAVORABLE FINANCIALLY TO THE STATE; OR

~~(1)~~ (3) THE HEAD OF THE UNIT DETERMINES THAT:

1- (I) THE NEED TO USE A METHOD OTHER THAN COMPETITIVE SEALED BIDS IS SUFFICIENTLY COMPELLING TO OVERRIDE THE GENERAL PUBLIC POLICY THAT FAVORS AWARDED PROCUREMENT CONTRACTS ON THE BASIS OF COMPETITIVE SEALED BIDS; AND

2- (II) THE USE OF COMPETITIVE SEALED BIDDING FOR THAT PROCUREMENT CONTRACT IS NOT PRACTICABLE OR NOT ADVANTAGEOUS TO THE STATE.

(B) REQUESTS FOR PROPOSALS.

(1) WHENEVER PROCUREMENT IS BASED ON COMPETITIVE SEALED PROPOSALS, A PROCUREMENT OFFICER SHALL SEEK PROPOSALS BY ISSUING A REQUEST FOR PROPOSALS.

(2) A REQUEST FOR PROPOSALS SHALL INCLUDE A STATEMENT OF:

(I) THE SCOPE OF THE PROCUREMENT CONTRACT;

(II) THE FACTORS, INCLUDING PRICE, THAT WILL BE USED IN EVALUATING PROPOSALS; AND

(III) THE RELATIVE IMPORTANCE OF EACH FACTOR.

(C) PUBLIC NOTICE OF REQUESTS FOR PROPOSALS.

A UNIT SHALL PUBLISH A REQUEST FOR PROPOSALS IN THE SAME MANNER AS REQUIRED FOR AN INVITATION FOR BIDS.

(D) DISCUSSIONS.

(1) AFTER RECEIPT OF PROPOSALS BUT BEFORE THE PROCUREMENT OFFICER AWARDS THE PROCUREMENT CONTRACT, A UNIT MAY CONDUCT DISCUSSIONS WITH AN OFFEROR TO:

(I) OBTAIN THE BEST PRICE FOR THE STATE; AND

(II) ENSURE FULL UNDERSTANDING OF: