

(II) DURING NEGOTIATIONS, MAY NOT DISCLOSE TO AN OFFEROR ANY INFORMATION DERIVED FROM THE PROPOSAL OF A COMPETING OFFEROR, EXCEPT PRICE AND INFORMATION DIRECTLY RELATED TO PRICE; AND

(III) AFTER NEGOTIATIONS, MAY REJECT A PROPOSAL THAT EXCEEDS THE MAXIMUM FAIR MARKET RATE.

(2) AFTER RECEIVING BEST AND FINAL OFFERS:

(I) A PROCUREMENT OFFICER MAY CONDUCT FURTHER NEGOTIATIONS WITH THE SUCCESSFUL OFFEROR TO OBTAIN FOR THE STATE THE BEST PRICE, CONDITIONS, AND SERVICES; AND

(II) ANY MODIFICATION OF A SUCCESSFUL OFFER MUST BE IN THE BEST INTERESTS OF THE STATE.

~~(G)~~ (F) FAILURE TO PRODUCE LEASE.

BY DIRECT SOLICITATION AND WITHOUT REPUBLICATION OF NOTICE, THE PROCUREMENT OFFICER MAY ACQUIRE ADDITIONAL OFFERS IF:

(1) NEGOTIATIONS AND BEST AND FINAL OFFERS FAIL TO PRODUCE A LEASE FOR REAL PROPERTY WITH TERMS COMPARABLE TO MARKET RENTAL RATES IN THE BOUNDARIES IN WHICH THE UNIT MUST OBTAIN THE LEASE; AND

(2) THE FINAL OFFEROR DID NOT ACCEPT A LEASE WITH TERMS COMPARABLE TO THE MARKET RENTAL RATES.

~~(H)~~ (G) RENEWALS.

IF A PROCUREMENT OFFICER DETERMINES THAT RENEWAL OF AN EXISTING LEASE IS IN THE BEST INTERESTS OF THE STATE, THE PROCUREMENT OFFICER MAY NEGOTIATE THE RENEWAL WITHOUT SOLICITING OTHER OFFERS.

~~(I)~~ (H) AWARD OF LEASES.

AFTER OBTAINING ANY APPROVAL REQUIRED BY LAW, THE PROCUREMENT OFFICER SHALL AWARD THE PROCUREMENT CONTRACT TO THE RESPONSIBLE OFFEROR WHO SUBMITS THE PROPOSAL OR BEST AND FINAL OFFER DETERMINED TO BE THE MOST ADVANTAGEOUS TO THE STATE CONSIDERING:

(1) THE PRICE AND EVALUATION FACTORS SET FORTH IN THE REQUEST FOR PROPOSALS; AND

(2) THE MODIFICATIONS TO THOSE FACTORS UNDER THE NEGOTIATION PROCESS.

REVISOR'S NOTE: Subsections (a) through (e)(1) and (f) through (i) of this section are new language derived