

without substantive change from former SF §§ 11-109(b)(3) and 11-111(g)(1) through (4) and (5)(i) and (iii) through (vii).

Subsection (e)(2) of this section is new language substituted for former SF § 11-111(g)(5)(ii), which stated that "[i]f the request for proposals notifies all offerors, negotiations by the procurement officer need not be conducted", for clarity.

In subsection (a) of this section, the reference to "competitive sealed proposals" as the preferred method for selecting procurement contracts for the lease of real property is substituted for the former references to "competitive negotiation", to conform to the language adopted by the General Assembly under Ch. 840, Acts of 1986.

The introductory language of subsection (c) of this section, "[s]ubject to the requirements of Title 4, Subtitle 3, Part III of this article," is added to reflect that those requirements apply here also.

Subsections (f)(2), (h), and (i) of this section are revised in the active voice to clarify that the "procurement officer" is responsible for the actions under these subsections, since these actions seem to fall within the powers contemplated for a "procurement officer", as defined in § 11-101(n) of this article.

In subsection (i) of this section, the reference to a "best and final offer" is added in light of subsection (e)(2)(ii) of this section, which refers to a request for proposals that "requested best and final offers".

Defined terms: "Invitation for bids" § 11-101  
 "Procurement contract" § 11-101  
 "Procurement officer" § 11-101 "Proposal" § 11-101  
 "Request for proposals" § 11-101  
 "Responsible offeror" § 11-101  
 "Services" § 11-101 "Unit" § 11-101

### 13-106. NONCOMPETITIVE NEGOTIATION FOR CERTAIN HUMAN, SOCIAL, OR EDUCATIONAL SERVICES.

#### (A) WHEN ALLOWED.

NOTWITHSTANDING § 13-102(1) OF THIS SUBTITLE, A PROCUREMENT OFFICER MAY AWARD A PROCUREMENT CONTRACT ON THE BASIS OF NONCOMPETITIVE NEGOTIATION IF: