

## 13-205. DRAFTING SPECIFICATIONS.

## A UNIT:

(1) SHALL DRAFT SPECIFICATIONS TO ENCOURAGE MAXIMUM PRACTICABLE COMPETITION WITHOUT MODIFYING THE REQUIREMENTS OF THE STATE; AND

(2) MAY NOT DRAFT SPECIFICATIONS TO FAVOR A SINGLE PROSPECTIVE BIDDER OR OFFEROR.

REVISOR'S NOTE: This section is new language derived without substantive change from former SF § 11-109(c).

This section is revised in the active voice to state expressly that the onus to ensure compliance with this section is on the unit.

Defined term: "Unit" § 11-101

## 13-206. CANCELLATION OF SOLICITATIONS; REJECTION OF BIDS OR PROPOSALS.

## (A) REJECTION FOR NONRESPONSIVENESS OR NONRESPONSIBILITY.

(1) A PROCUREMENT OFFICER SHALL REJECT A BID OR PROPOSAL IF THE PROCUREMENT OFFICER DETERMINES THAT:

(I) THE BID IS NONRESPONSIVE OR THE PROPOSAL IS UNACCEPTABLE; OR

(II) THE BIDDER OR OFFEROR IS NOT RESPONSIBLE.

(2) THE PROCUREMENT OFFICER SHALL INCLUDE A DETERMINATION UNDER THIS SUBSECTION IN THE PROCUREMENT FILE.

## (B) CANCELLATION OR REJECTION IN STATE'S BEST INTERESTS.

IF, WITH THE APPROVAL OF THE BOARD, A UNIT DETERMINES THAT IT IS FISCALLY ADVANTAGEOUS OR OTHERWISE IN THE BEST INTERESTS OF THE STATE, THE UNIT MAY:

(1) CANCEL AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS, OR OTHER SOLICITATION; OR

(2) REJECT ALL BIDS OR PROPOSALS.

## (C) GROUNDS FOR DETERMINING NONRESPONSIBILITY.

A PROCUREMENT OFFICER MAY DETERMINE THAT A PERSON IS NOT A RESPONSIBLE BIDDER OR OFFEROR FOR: