

(1) UNREASONABLE FAILURE TO SUPPLY INFORMATION PROMPTLY IN CONNECTION WITH A DETERMINATION OF RESPONSIBILITY UNDER SUBSECTION (A) OF THIS SECTION; OR

(2) ANY OTHER REASON INDICATING THAT THE PERSON DOES NOT HAVE:

(I) THE CAPABILITY IN ALL RESPECTS TO PERFORM FULLY THE REQUIREMENTS FOR A PROCUREMENT CONTRACT; OR

(II) THE INTEGRITY AND RELIABILITY THAT WILL ENSURE GOOD FAITH PERFORMANCE.

REVISOR'S NOTE: Subsections (a)(1) and (c)(2) of this section are new language added to state that which only was implied in the former law.

Subsections (a)(2), (b), and (c)(1) of this section are new language derived without substantive change from former SF §§ 11-116 and 11-118.

- Defined terms: "Bid" § 11-101
- "Board" § 11-101
- "Invitation for bids" § 11-101
- "Person" § 11-101 "Procurement" § 11-101
- "Procurement officer" § 11-101 "Proposal" § 11-101
- "Responsible bidder or offeror" § 11-101
- "Request for proposals" § 11-101 "Unit" § 11-101

13-207. BID SECURITY.

(A) EXPECTED PRICE OF \$50,000 OR LESS.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PROCUREMENT OFFICER MAY NOT REQUIRE A BIDDER OR OFFEROR TO PROVIDE BID SECURITY ON A PROCUREMENT CONTRACT IF THE PROCUREMENT OFFICER EXPECTS THE PRICE TO BE \$50,000 OR LESS.

(B) CONSTRUCTION CONTRACTS.

(1) A PROCUREMENT OFFICER SHALL REQUIRE A BIDDER OR OFFEROR TO PROVIDE BID SECURITY ON A PROCUREMENT CONTRACT FOR CONSTRUCTION IF:

(I) THE PRICE IS EXPECTED TO EXCEED \$50,000; OR

(II) THE PRICE IS EXPECTED TO BE \$50,000 OR LESS BUT ~~BID--SECURITY--IS--REQUIRED--BY~~ FEDERAL LAW OR AS A CONDITION OF FEDERAL ASSISTANCE REQUIRES THE SECURITY.

(2) THE AMOUNT OF BID SECURITY REQUIRED FOR A PROCUREMENT CONTRACT FOR CONSTRUCTION SHALL BE: