

As to security for performance and payment, see § 13-216 of this subtitle.

Defined terms: "Bid" § 11-101
 "Construction" § 11-101
 "Construction related services" § 11-101
 "Procurement contract" § 11-101
 "Procurement officer" § 11-101 "Proposal" § 11-101
 "Services" § 11-101 "Supplies" § 11-101

13-208. PROPER SECURITY.

(A) IN GENERAL.

EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, IF A PROCUREMENT OFFICER REQUIRES BID SECURITY, THE PROCUREMENT OFFICER SHALL REJECT A BID OR PROPOSAL THAT IS NOT ACCOMPANIED BY PROPER SECURITY.

(B) EXCEPTIONS FOR DEFICIENCIES.

A PROCUREMENT OFFICER MAY ACCEPT A BID OR PROPOSAL THAT IS ACCOMPANIED BY BID SECURITY IN LESS THAN THE AMOUNT REQUIRED IF:

(1) THE PROCUREMENT OFFICER DETERMINES THAT:

(I) THE DEFICIENCY IN THE AMOUNT IS INSUBSTANTIAL; AND

(II) ACCEPTANCE OF THE BID OR PROPOSAL WOULD BE IN THE BEST INTERESTS OF THE STATE; AND

(2) THE PROCUREMENT OFFICER FURTHER DETERMINES THAT:

(I) THE BID OR PROPOSAL WAS THE ONLY ONE SUBMITTED AND THERE IS NO TIME FOR REBIDDING;

(II) THE BID SECURITY BECAME INADEQUATE AS A RESULT OF THE CORRECTION OF A MISTAKE IN THE BID OR PROPOSAL OR AS A RESULT OF A MODIFICATION IN THE BID OR PROPOSAL IN ACCORDANCE WITH APPLICABLE REGULATIONS, AND THE BIDDER OR OFFEROR INCREASED THE AMOUNT OF BID SECURITY TO REQUIRED LIMITS WITHIN 48 HOURS AFTER THE CORRECTION OR MODIFICATION; OR

(III) AFTER CONSIDERATION OF THE RISKS INVOLVED AND THE DIFFERENCE BETWEEN THE LOWEST BID AND THE NEXT LOWEST BID, IT WOULD BE FISCALLY ADVANTAGEOUS TO THE STATE TO ACCEPT THE LOWEST BID OR PROPOSAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former SF § 11-121(b)(4).