

(1) SUBJECT TO TITLE 10, SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE:

(I) A SUMMARY OF THE FINAL EVALUATION OF A PROPOSAL SHALL BE OPEN TO PUBLIC INSPECTION;

(II) AFTER AN AWARD, ALL PROPOSALS SHALL BE OPEN TO PUBLIC INSPECTION; AND

(III) AT AND AFTER BID OPENING, THE CONTENTS OF A BID AND ANY DOCUMENT SUBMITTED WITH THE BID SHALL BE OPEN TO PUBLIC INSPECTION.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, TITLE 10, SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE SHALL GOVERN ANY REQUEST FOR THE DISCLOSURE OF INFORMATION RELATED TO A PROCUREMENT.

(B) RECORDS OF EVALUATORS.

A PROCUREMENT OFFICER MAY DENY PUBLIC ACCESS TO THE ADVISORY OR DELIBERATIVE RECORDS OF AN EVALUATOR OF A PROPOSAL IF THE RECORDS WOULD NOT BE AVAILABLE BY LAW TO A PRIVATE PARTY IN LITIGATION WITH THE UNIT.

(C) DUTY NOT TO DISCLOSE INFORMATION.

(1) BEFORE BID OPENING:

(I) BIDS SHALL REMAIN SEALED; AND

(II) THE STATE MAY NOT DISCLOSE THE NAME OF A BIDDER.

(2) BEFORE THE CLOSING DATE FOR PROPOSALS, A PROCUREMENT OFFICER MAY NOT DISCLOSE THE NAME OF A PERSON WHO HAS SUBMITTED A PROPOSAL.

(3) BEFORE AWARDING A PROCUREMENT CONTRACT BASED ON COMPETITIVE SEALED PROPOSALS, THE STATE MAY NOT DISCLOSE THE CONTENTS OF A PROPOSAL TO ANY PERSON OTHER THAN A PERSON RESPONSIBLE FOR EVALUATING OR REVIEWING THE PROPOSAL.

(D) DISCOVERABILITY DURING PROCEEDINGS.

SUBSECTIONS (A)(1), (B), AND (C) OF THIS SECTION DO NOT AFFECT THE AUTHORITY OF THE BOARD OF CONTRACT APPEALS OR A COURT OF COMPETENT JURISDICTION TO:

(1) DECIDE THAT INFORMATION IS DISCOVERABLE IN AN ADMINISTRATIVE OR JUDICIAL PROCEEDING; AND

(2) COMPEL DISCLOSURE.