

(1) FROM THE RESULTS OF THE SELECTION PROCESS UNDER SUBSECTION (A) OF THIS SECTION, THE TRANSPORTATION UNIT SHALL:

(I) BEGIN NEGOTIATIONS WITH THE MOST QUALIFIED PERSON; AND

(II) TRY TO NEGOTIATE A PROCUREMENT CONTRACT WITH THAT PERSON AT A RATE OF COMPENSATION THAT IS FAIR, COMPETITIVE, AND REASONABLE.

(2) IN DETERMINING THE RATE OF COMPENSATION UNDER THIS SUBSECTION, THE TRANSPORTATION UNIT SHALL:

(I) CONSIDER THE SCOPE AND COMPLEXITY OF THE ARCHITECTURAL OR ENGINEERING SERVICES REQUIRED; AND

(II) CONDUCT A DETAILED ANALYSIS OF THE COST OF THOSE SERVICES.

(C) ALTERNATIVE NEGOTIATIONS.

(1) IF THE TRANSPORTATION UNIT IS UNABLE TO NEGOTIATE A SATISFACTORY PROCUREMENT CONTRACT ~~UNDER SUBSECTION (B)(1) OF THIS SECTION~~ AT A RATE OF COMPENSATION THAT IS FAIR, COMPETITIVE, AND REASONABLE, IT SHALL:

(I) TERMINATE NEGOTIATIONS WITH THE MOST QUALIFIED PERSON; AND

(II) NEGOTIATE IN THE SAME MANNER WITH THE 2ND AND, IF NECESSARY, THE 3RD MOST QUALIFIED PERSON CHOSEN UNDER SUBSECTION (A) OF THIS SECTION.

(2) IF THE TRANSPORTATION UNIT IS UNABLE TO NEGOTIATE A PROCUREMENT CONTRACT WITH ANY PERSON CHOSEN UNDER SUBSECTION (A) OF THIS SECTION, THE TRANSPORTATION UNIT SHALL:

(I) CHOOSE ADDITIONAL PERSONS IN ORDER OF THEIR COMPETENCE AND QUALIFICATION; AND

(II) CONTINUE NEGOTIATIONS IN ACCORDANCE WITH THE PROCEDURES UNDER THIS SECTION UNTIL IT REACHES AN AGREEMENT.

(D) DELEGATION BY TRANSPORTATION SELECTION BOARD.

THE TRANSPORTATION SELECTION BOARD MAY DELEGATE THE NEGOTIATION PROCESS TO THE DEPARTMENT OF TRANSPORTATION, BUT ANY NEGOTIATING TEAM SHALL INCLUDE A REPRESENTATIVE OF THE TRANSPORTATION UNIT REQUESTING THE PROCUREMENT.

REVISOR'S NOTE: Subsection (a) of this section is new language based on the reference, in former § 11-156(a), to "the screening process of the Department