

(1) THE PROCUREMENT IS FOR EDUCATIONAL OR CONSULTANT SERVICES;

(2) THE PROCUREMENT IS FOR ANY BUILDING, IMPROVEMENT, EQUIPMENT, OR SUPPLIES AND THE BOARD OF TRUSTEES OR ITS DESIGNEE DETERMINES THAT SPECIFICATIONS CANNOT BE PREPARED THAT ALLOW AN AWARD BASED ON THE LOWEST BID PRICE, THE LOWEST EVALUATED BID PRICE, OR THE BID MOST FAVORABLE TO THE COLLEGE; OR

(3) THE BOARD OR TRUSTEES OR ITS DESIGNEE DETERMINES THAT:

(I) THE NEED TO USE A METHOD OTHER THAN COMPETITIVE SEALED BIDS IS SUFFICIENTLY COMPELLING TO OVERRIDE THE GENERAL PUBLIC POLICY THAT FAVORS AWARDING PROCUREMENT CONTRACTS ON THE BASIS OF COMPETITIVE SEALED BIDS; AND

(II) THE USE OF COMPETITIVE SEALED BIDDING FOR THAT PROCUREMENT CONTRACT IS NOT PRACTICABLE OR NOT ADVANTAGEOUS TO THE COLLEGE.

(C) (1) WHENEVER PROCUREMENT IS BASED ON COMPETITIVE SEALED PROPOSALS, THE BOARD OF TRUSTEES OR ITS DESIGNEE SHALL SEEK PROPOSALS BY ISSUING A REQUEST FOR PROPOSALS.

(2) A REQUEST FOR PROPOSALS SHALL INCLUDE A STATEMENT OF:

(I) THE SCOPE OF THE PROCUREMENT CONTRACT;

(II) THE RESULTS TO BE ACHIEVED OR SERVICES TO BE PROVIDED;

(III) THE FACTORS, INCLUDING PRICE, THAT WILL BE USED IN EVALUATING PROPOSALS; AND

(IV) THE RELATIVE IMPORTANCE OF EACH FACTOR.

(D) THE BOARD OF TRUSTEES OR ITS DESIGNEE SHALL PUBLISH A REQUEST FOR PROPOSALS IN THE SAME MANNER AS REQUIRED FOR AN INVITATION FOR BIDS.

(E) (1) AFTER RECEIPT OF PROPOSALS BUT BEFORE THE BOARD OF TRUSTEES AWARDS THE PROCUREMENT CONTRACT, THE BOARD OR ITS DESIGNEE MAY CONDUCT DISCUSSIONS WITH AN OFFEROR TO:

(I) OBTAIN THE BEST PRICE FOR THE COLLEGE; AND

(II) ENSURE FULL UNDERSTANDING OF:

1. THE REQUIREMENTS OF THE COLLEGE AS SET FORTH IN THE REQUEST FOR PROPOSALS; AND

2. THE PROPOSAL SUBMITTED BY THE OFFEROR.