

PROPERTY, SERVICE, OR CONSTRUCTION IF THE AUTHORITY DETERMINES THAT EXCLUDING THE SOURCE WOULD INCREASE OR MAINTAIN COMPETITION AND WOULD LIKELY RESULT IN REDUCED OVERALL COSTS FOR PROCUREMENT OF PROPERTY, SERVICES, OR CONSTRUCTION.

(C) THE AUTHORITY MAY USE PROCEDURES OTHER THAN COMPETITIVE PROCEDURES IF:

(1) THE PROPERTY, SERVICES, OR CONSTRUCTION NEEDED BY THE AUTHORITY IS AVAILABLE FROM ONLY ONE RESPONSIBLE SOURCE, AND NO OTHER TYPE OF PROPERTY, SERVICES OR CONSTRUCTION WILL SATISFY THE NEEDS OF THE AUTHORITY; OR

(2) THE AUTHORITY'S NEED FOR THE PROPERTY, SERVICES, OR CONSTRUCTION IS OF SUCH AN UNUSUAL AND COMPELLING URGENCY THAT THE AUTHORITY WOULD BE SERIOUSLY INJURED UNLESS THE AUTHORITY LIMITS THE NUMBER OF SOURCES FROM WHICH IT SOLICITS BIDS OR PROPOSALS; OR

(3) THE AUTHORITY DETERMINES THAT IT IS NECESSARY IN THE PUBLIC INTEREST TO USE PROCEDURES OTHER THAN COMPETITIVE PROCEDURES IN THE PARTICULAR PROCUREMENT; OR

(4) THE PROPERTY OR SERVICES NEEDED CAN BE OBTAINED THROUGH FEDERAL OR OTHER GOVERNMENTAL SOURCES AT REASONABLE PRICES.

(D) FOR THE PURPOSE OF APPLYING SUBSECTION (C)(1) OF THIS SECTION:

(1) IN THE CASE OF A CONTRACT FOR PROPERTY, SERVICES, OR CONSTRUCTION TO BE AWARDED ON THE BASIS OF ACCEPTANCE OF AN UNSOLICITED PROPOSAL, THE PROPERTY, SERVICES, OR CONSTRUCTION SHALL BE DEEMED TO BE AVAILABLE FROM ONLY ONE RESPONSIBLE SOURCE IF THE SOURCE HAS SUBMITTED AN UNSOLICITED PROPOSAL THAT DEMONSTRATES A CONCEPT:

(I) THAT IS UNIQUE AND INNOVATIVE OR, IN THE CASE OF A SERVICE, FOR WHICH THE SOURCE DEMONSTRATES A UNIQUE CAPABILITY TO PROVIDE THE SERVICE; AND

(II) THE SUBSTANCE OF WHICH IS NOT OTHERWISE AVAILABLE TO THE AUTHORITY AND DOES NOT RESEMBLE THE SUBSTANCE OF A PENDING COMPETITIVE PROCUREMENT.

(2) IN THE CASE OF A FOLLOW-ON CONTRACT FOR THE CONTINUED DEVELOPMENT OR PRODUCTION OF A MAJOR SYSTEM OR HIGHLY SPECIALIZED EQUIPMENT OR THE CONTINUED PROVISION OF HIGHLY SPECIALIZED SERVICES, THE PROPERTY, SERVICES, OR CONSTRUCTION MAY BE DEEMED TO BE AVAILABLE FROM ONLY THE ORIGINAL SOURCE AND MAY BE PROCURED THROUGH PROCEDURES OTHER THAN COMPETITIVE PROCEDURES IF IT IS LIKELY THAT AWARD TO A SOURCE OTHER THAN THE ORIGINAL SOURCE WOULD RESULT IN:

(I) SUBSTANTIAL DUPLICATION OF COST TO THE AUTHORITY THAT IS NOT EXPECTED TO BE RECOVERED THROUGH COMPETITION; OR