

Article - State Finance and Procurement

13-311.

(a) The Department of Transportation shall establish a selection process based on a competitive procedure to:

(1) PROMOTE ENGINEERING AND DESIGN QUALITY AND ENSURE MAXIMUM COMPETITION BY PROFESSIONAL COMPANIES OF ALL SIZES PROVIDING ARCHITECTURAL OR ENGINEERING SERVICES;

[(1)] (2) evaluate technical proposals and the qualifications of the persons submitting proposals; and

[(2)] (3) determine an order of priority based on those evaluations.

(b) (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; AND

(III) COMPLY WITH LIMITS ON COSTS REIMBURSEMENT, INCLUDING, BUT NOT LIMITED TO OVERHEAD LIMITS, ESTABLISHED BY THE TRANSPORTATION SELECTION BOARD. IN SETTING SUCH LIMITS, THE BOARD SHALL CONSIDER THE GOAL OF THE SELECTION PROCESS SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION, AS WELL AS THE REASONABLE COST OF ARCHITECTURAL OR ENGINEERING SERVICES.

(c) (1) If the transportation unit is unable to negotiate a satisfactory procurement contract 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 second and, if necessary, the third 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