

(b) The Board of Trustees of the Community College for Baltimore County may award a procurement contract on the basis of noncompetitive negotiation:

- (1) For unsolicited offers that:
  - (i) Are in writing;
  - (ii) Are sufficiently detailed to allow a judgment regarding the potential utility of the offer;
  - (iii) Are unique or innovative;
  - (iv) Demonstrate the proprietary character of the offering warranting consideration of the use of competitive negotiation;
  - (v) May be subject to testing under terms and conditions specified by the Director of Purchasing; and
  - (vi) Cannot be procured through competitive methodologies;
- (2) For the procurement of goods or services related to instruction or curriculum development;
- (3) For the procurement of services related to private fund-raising activities; or
- (4) Under other circumstances when the Director of Purchasing determines that noncompetitive negotiation is in the best interests of the College and the State.

(c) (1) The Board of Trustees of the Community College for Baltimore County shall establish standards and procedures for the application of subsection [(a)] (B) of this section to a particular transaction.

- (2) The standards and procedures shall require:
  - (i) The office, division, or department requesting noncompetitive negotiation to submit a written justification to the Director of Purchasing;
  - (ii) A written determination by the Director of Purchasing that noncompetitive negotiation is in the best interest of the College and the State; and
  - (iii) The written approval of the award of the contract on the basis of noncompetitive negotiation by the Board of Trustees.

**DRAFTER'S NOTE:**

Error: Codification error and erroneous cross-reference in § 16-314.5 of the Education Article.

Occurred: Ch. 378, Acts of 2002. Correction by the publisher of the Annotated Code in the 2002 Supplement of the Education Article is ratified by this Act.