

(3) (I) AFTER BIDS HAVE BEEN RECEIVED, A PROCUREMENT OFFICER MAY AWARD A PROCUREMENT CONTRACT ON THE BASIS OF REVISED BIDS IF:

1. ALL BIDS ARE REJECTED UNDER § 13-206(B) OF THIS TITLE;
2. ALL BID PRICES EXCEED THE FUNDS AVAILABLE FOR THE PROCUREMENT; OR
3. WITH THE APPROVAL OF THE HEAD OF A PRIMARY PROCUREMENT UNIT OR A DESIGNEE, THE PROCUREMENT OFFICER DETERMINES THAT ALL BIDS ARE UNREASONABLE AS TO AT LEAST ONE REQUIREMENT AND THE DELAY THAT WOULD RESULT FROM ISSUING A NEW INVITATION FOR AUCTION BIDS WITH REVISED SPECIFICATIONS OR QUANTITIES WOULD BE FISCALLY DISADVANTAGEOUS OR OTHERWISE NOT IN THE BEST INTERESTS OF THE STATE.

(II) IF THERE IS MORE THAN ONE BIDDER, DISCUSSIONS ABOUT REVISED SPECIFICATIONS OR QUANTITIES SHALL BE CONDUCTED WITH ALL RESPONSIBLE BIDDERS WHO SUBMITTED RESPONSIVE BIDS. THE BIDDERS SHALL BE TREATED FAIRLY AND EQUALLY WITH RESPECT TO ANY DISCUSSIONS.

(III) IF ONE OF THE CONDITIONS SET FORTH UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH EXISTS, AS PROMPTLY AS POSSIBLE, THE PROCUREMENT OFFICER SHALL:

1. ISSUE AN INVITATION FOR REVISED AUCTION BIDS, WHICH SHALL STATE WHETHER THE AWARD WILL BE MADE WITHOUT COMPETITIVE NEGOTIATIONS; AND
2. REQUIRE A PROMPT RESPONSE TO THAT INVITATION.

(IV) AN INVITATION FOR REVISED AUCTION BIDS IS NOT SUBJECT TO THE NOTICE REQUIREMENTS IN SUBSECTION (D) OF THIS SECTION.

(V) AFTER REVISED BIDS HAVE BEEN SUBMITTED, NEGOTIATIONS WITH BIDDERS MAY NOT BE CONDUCTED UNLESS THE PROCUREMENT OFFICER DETERMINES THAT THERE IS A COMPELLING REASON TO NEGOTIATE.

(VI) AFTER REVISED BIDS HAVE BEEN RECEIVED AND ANY APPROVAL REQUIRED BY LAW HAS BEEN OBTAINED, THE PROCUREMENT OFFICER SHALL AWARD THE PROCUREMENT CONTRACT TO THE RESPONSIBLE BIDDER WHO SUBMITS A RESPONSIVE BID THAT:

1. IS THE LOWEST BID PRICE; OR
2. IF THE INVITATION FOR REVISED BIDS SO PROVIDES, IS THE LOWEST EVALUATED BID PRICE.

(G) NOT MORE THAN 30 DAYS AFTER THE EXECUTION AND APPROVAL OF A PROCUREMENT CONTRACT ~~IN EXCESS OF \$25,000~~ AWARDED UNDER THIS SECTION, ~~OR A LOWER AMOUNT SET BY THE BOARD BY REGULATION IN ACCORDANCE WITH TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE~~, A UNIT SHALL PUBLISH IN THE CONTRACT WEEKLY NOTICE OF THE AWARD.