

16-314.5.

(A) THIS SECTION APPLIES TO CONTRACTS IN AMOUNTS NOT EXCEEDING THE PRODUCT OF FOUR TIMES THE MAXIMUM AMOUNT OF A SMALL PROCUREMENT AS DEFINED IN § 13-109 OF THE STATE FINANCE AND PROCUREMENT ARTICLE \$100,000.

(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.

~~(B)~~ (C) (1) THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE FOR BALTIMORE COUNTY SHALL ESTABLISH STANDARDS AND PROCEDURES FOR THE APPLICATION OF SUBSECTION (A) 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