

has executed a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current as of the time of contracting.

(b) (1) The certificate shall provide that the original price of the contract and any additions to the contract will be adjusted to exclude any significant sums if the Transportation Selection Board determines that the price was increased due to inaccurate, incomplete, or noncurrent wage rates or other factual unit costs.

(2) The adjustment to the contract shall be made within 1 year after the end of the contract.

9-209.

(a) (1) The recommendation of the General Selection Board for the procurement and award of each contract for architectural and engineering services ~~with~~ costing over \$50,000 \$100,000 shall:

(i) Be made on a competitive basis; and

(ii) Include an evaluation of technical [and price proposals] PROPOSALS AND QUALIFICATIONS from two or more persons.

[(2) Neither the technical proposal nor the price-proposal may be the sole criterion in making a recommendation on a competitive basis.]

(2) (I) THE GENERAL SELECTION BOARD SHALL MAKE ITS RECOMMENDATION FOR THE PROCUREMENT AND AWARD OF ALL CONTRACTS ON THE BASIS OF NEGOTIATION AND IN ACCORDANCE WITH RULES AND REGULATIONS ADOPTED BY THE GENERAL SELECTION BOARD.

(II) THE GENERAL SELECTION BOARD SHALL NEGOTIATE A CONTRACT WITH THE MOST QUALIFIED FIRM AT A RATE OF COMPENSATION THAT THE GENERAL SELECTION BOARD DETERMINES IS FAIR, COMPETITIVE, AND REASONABLE. IN MAKING THAT DETERMINATION, THE GENERAL SELECTION BOARD SHALL:

1. CONSIDER THE SCOPE AND COMPLEXITY OF THE PROFESSIONAL SERVICES REQUIRED; AND

2. CONDUCT A DETAILED ANALYSIS OF THE COST OF THE SERVICES.

(III) IF THE GENERAL SELECTION BOARD IS UNABLE TO NEGOTIATE A SATISFACTORY CONTRACT WITH THE FIRM CONSIDERED TO BE THE MOST QUALIFIED AT A PRICE THE GENERAL SELECTION BOARD DETERMINES TO BE FAIR, COMPETITIVE, AND REASONABLE, THE BOARD SHALL TERMINATE ANY NEGOTIATION WITH THAT FIRM. THE GENERAL SELECTION BOARD THEN SHALL NEGOTIATE WITH THE SECOND MOST QUALIFIED FIRM IN THE SAME MANNER. IF AGREEMENT CANNOT BE REACHED