

(I) COMPETITIVE SEALED BIDS IN ACCORDANCE WITH SUBSECTION ~~(B)~~ (D) OF THIS SECTION; OR

(II) COMPETITIVE SEALED PROPOSALS IN ACCORDANCE WITH SUBSECTION ~~(C)~~ (E) OF THIS SECTION.

~~(6)~~ (7) THE WSSC MAY REJECT ANY BID OR PROPOSAL.

~~(7)~~ (8) THE WSSC:

(I) MAY ADOPT REGULATIONS TO ESTABLISH A PREQUALIFICATION PROCESS FOR BIDDERS OR OFFERORS; AND

(II) SHALL ADOPT REGULATIONS TO GOVERN DISCUSSIONS HELD UNDER SUBSECTION ~~(C)~~~~(3)~~ (E)(3) OF THIS SECTION.

~~(4)~~ (9) (I) EXCEPT AS PROHIBITED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE WSSC MAY ENTER INTO ANY TYPE OF CONTRACT UNDER THIS SECTION THAT PROMOTES THE BEST INTEREST OF THE WSSC.

(II) THE WSSC:

1. MAY NOT ENTER A COST-PLUS-PERCENTAGE-OF-COST CONTRACT; AND

2. SHALL PROHIBIT A COST-PLUS-PERCENTAGE-OF-COST SUBCONTRACT UNDER A WSSC CONTRACT.

~~(B)~~ (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "EVALUATED BID PRICE" MEANS THE PRICE OF A BID AFTER ADJUSTMENT IN ACCORDANCE WITH OBJECTIVE MEASURABLE CRITERIA.

(III) "OBJECTIVE MEASURABLE CRITERIA" MEANS STANDARDS THAT ENABLE THE WSSC TO COMPARE THE ECONOMY, EFFECTIVENESS, OR VALUE OF THE SUBJECT OF THE BIDS.

(2) IF A CONTRACT IS AWARDED BASED ON COMPETITIVE SEALED BIDS, THE WSSC SHALL SEEK BIDS BY ISSUING AN INVITATION TO BID.

(3) SUBJECT TO PARAGRAPHS (4) THROUGH (6) OF THIS SUBSECTION, AN INVITATION TO BID SHALL:

(I) INCLUDE THE SPECIFICATIONS OF THE CONTRACT; AND

(II) STATE WHETHER THE CONTRACT WILL BE AWARDED BASED ON THE LOWEST BID PRICE OR THE LOWEST EVALUATED BID PRICE.

(4) IF A CONTRACT WILL BE AWARDED ON AN EVALUATED BID PRICE, THE INVITATION TO BID SHALL INCLUDE THE OBJECTIVE MEASURABLE CRITERIA BY WHICH THE LOWEST EVALUATED BID PRICE WILL BE DETERMINED.