

In the event that all bids submitted pursuant to competitive sealed bidding under Section 2.3.1.3 result in bid prices in excess of the funds available for the purchase, and the purchasing officer determines in writing:

- a. That there are no additional funds available from any source so as to permit an award to the lowest responsive and responsible bidder.
- b. The best interest of the School Department shall not permit delay attendant to a re-solicitation under revised specifications or for revised quantities under competitive sealed bidding as provided in Section 2.3.1.3, then a negotiated award be made as set forth in subsection (2) or (3) of this section.

Where there is more than one bidder, competitive negotiations pursuant to Section 2.3.1.4 shall be conducted with the three (3)--two (2) if there are only two (2) bidders--determined in writing to be the lowest responsive and responsible bidders to the competitive sealed bid invitation.

Such competitive negotiations shall be conducted under the following restrictions:

- a. If discussions pertaining to the revision of the specifications or quantities are held with any potential bidder, all other potential bidders shall be afforded an opportunity to take part in such discussions or
- b. A request for proposals, based upon revised specifications or quantities, shall be issued as promptly as possible, shall provide for an expeditious response to the revised requirements, and shall be awarded upon the basis of the lowest bid price or lowest evaluated bid price submitted by any responsive and responsible bidder.

When after competitive sealed bidding, it is determined, in writing, that there is only one responsive and responsible bidder, a non-competitive negotiated award may be made with such bidder in accordance with Section 2.3.7.