

## § 51.29

### **§ 51.29 How will I know when a preferred offeror exists?**

If the Director has determined that a preferred offeror exists for a qualified concession contract under this part, the Director will identify the preferred offeror in the applicable prospectus and describe the preferred offeror's right of preference.

### **§ 51.30 What must a preferred offeror do before it may exercise a right of preference?**

A preferred offeror must submit a responsive proposal pursuant to the terms of an applicable prospectus for a qualified concession contract if the preferred offeror wishes to exercise a right of preference.

### **§ 51.31 What happens if a preferred offeror does not submit a responsive proposal?**

If a preferred offeror fails to submit a responsive proposal, the offeror may not exercise a right of preference. The concession contract will be awarded to the offeror submitting the best responsive proposal.

### **§ 51.32 What is the process if the Director determines that the best responsive proposal was not submitted by a preferred offeror?**

If the Director determines that a proposal other than the responsive proposal submitted by a preferred offeror is the best proposal submitted for a qualified concession contract, then the Director must advise the preferred offeror of the better terms and conditions of the best proposal and permit the preferred offeror to amend its proposal to match them. An amended proposal must match the better terms and conditions of the best proposal as determined by the Director. If the preferred offeror duly amends its proposal within the time period allowed by the Director, and the Director determines that the amended proposal matches the better terms and conditions of the best proposal, then the Director must select the preferred offeror for award of the contract upon the amended terms and conditions, subject to other applicable requirements of this part.

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### **§ 51.33 What if a preferred offeror does not timely amend its proposal to meet the terms and conditions of the best proposal?**

If a preferred offeror does not amend its proposal to meet the terms and conditions of the best proposal within the time period allowed by the Director, the Director will select for award of the contract the offeror that submitted the best responsive proposal.

### **§ 51.34 What will the Director do if a selected preferred offeror does not timely execute the new concession contract?**

If a selected preferred offeror fails to execute the concession contract in the time period specified by the Director, the Director either will select for award of the concession contract the offeror that submitted the best responsive proposal, or will cancel the solicitation and may resolicit the concession contract but only without recognition of a preferred offeror or right of preference.

### **§ 51.35 What happens to a right of preference if the Director receives no responsive proposals?**

If the Director receives no responsive proposals, including a responsive proposal from a preferred offeror, in response to a prospectus for a qualified concession contract for which a preferred offeror exists, the Director must cancel the solicitation and may resolicit the concession contract or take other appropriate action in accordance with this part. No right of preference will apply to a concession contract resolicited under this section unless the contract is resolicited upon terms and conditions materially more favorable to offerors than those contained in the original contract.

## **Subpart F—Determining a Preferred Offeror**

### **§ 51.36 What conditions must be met before the Director determines that a concessioner is a preferred offeror?**

A concessioner is a preferred offeror if the Director determines that the following conditions are met: