**Section 1120.10 Application**

a) The Code and this Part apply to those procurements for which the vendors were first solicited on or after July 1, 1998.

b) Procurements for which vendors were first solicited on or before June 30, 1998, shall be conducted pursuant to legal requirements in effect at the time of the solicitation. The terms and conditions and the rights and obligations under contracts resulting from such procurements shall not be impaired.

c) A solicitation occurs on or before June 30, 1998, as follows:

1) When advertising was required in the Official State Newspaper, the first advertisement must run no later than June 30, 1998.

2) When advertising was not required:

A) but if the procurement was advertised, the first advertisement must have run no later than June 30, 1998;

B) if the procurement was by direct solicitation by mail, the solicitation must have been postmarked or placed in the control of a private carrier no later than June 30, 1998;

C) if the procurement was by direct solicitation by fax, the fax must show a transmission date no later than June 30, 1998;

D) if the procurement was solicited in-person or by telephone, the solicitation must have occurred no later than June 30, 1998, and the individual who made the solicitation must state in writing when the procurement was discussed, and must name the party with whom the discussion took place.

3) In all circumstances, the solicitations must be for the procurement of particular needs. A general discussion to determine if there is any interest is not considered a solicitation.

d) This Part shall not apply to:

1) agreements among governments, or between State governmental bodies, except as specifically provided in the Code;

2) grants;

3) hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual;

4) collective bargaining contracts;

5) purchase of real estate; or

6) contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the Comptroller's chief legal counsel shall give prior approval.