

such road building or improvement, setting forth the place where such road is to be built or improved, and giving a general description of said proposed work, and stating that sealed proposals for the performance of said proposed work in accordance with the plans and specifications will be received until a day named in the advertisement, provided that nothing in this section shall require the county commissioners of any county, upon the petition of such persons agreeing to pay ten per centum to advertise for work to be done under the provisions of this sub-title to an amount greater than twenty-five per centum of the road levy of said county; and the board of county commissioners shall furnish a copy of the said specifications for such proposed work to any prospective bidder who may request the same; and the said board shall reserve the right to reject any and all bids and to do the work according to said plans and specifications by such arrangement as they may deem best.

The proviso in this section with reference to the county commissioners not being required to advertise for work to a greater amount than twenty-five per centum of the road levy, refers to the whole estimated cost of the road, and not merely to the ultimate net cost to the county. In determining whether the cost of the work will be greater than twenty-five per cent. of the road levy, the commissioners must be guided by the estimate of the economic commission to be furnished under section 68. The county commissioners might in their discretion, advertise although the estimated cost was greater than twenty-five per cent. of the road levy, if they thought said estimate was too high; risk thus taken. *Mandamus refused. Frederick County v. Fout*, 110 Md. 167 (decided prior to the act of 1910, ch. 217).

See notes to sec. 67.

1904, art. 91, sec. 39. 1904, ch. 225, sec. 7. 1910, ch. 217, sec. 39 (p. 317).

72. On the day stated in such advertisements, the proposals shall be publicly opened and read and the contract shall be awarded to the lowest responsible bidder, provided his bid does not exceed the amount estimated by the state roads commission aforesaid as a proper maximum cost of said work; and provided further, that any and all bids may be rejected in the discretion of the county commissioners, and if all bids shall exceed the amount specified, or be rejected, then no contract shall be given unless the county commissioners and the state roads commission shall both agree to give the same, and proceedings may be had anew in the same manner as first provided, and the contractor shall in all cases before entering upon his work be required to execute a contract with the board of county commissioners to perform the work according to the specifications, and also give bond to said county commissioners conditioned for the faithful performance of such contract in a sum not less than the total amount of the contract and with such incorporated surety company as surety as the board may approve.

See notes to sec. 67.

Ibid., sec. 40. 1904, ch. 225, sec. 8. 1910, ch. 217, sec. 40 (p. 318).

73. All contracts for work to be done under the provisions of this sub-title shall be subject to the approval of state roads commission.

See notes to sec. 67.