

servicing the right to reject any and all proposals; said proposals shall be publicly opened at the time specified in said advertisement, and the contract for such work or for the supplies and materials required for such construction or work or for the supplies and materials required for such construction or improvement shall be awarded by the Commission to the lowest responsible bidder, unless, in the opinion of said Commission, the interests of the State shall be better served by awarding the contract to some other bidder, when this may be done; but said Commission shall not be required so to advertise for proposals or to award any contract for any work or for any materials or supplies for any amount less than five hundred (\$500) in the aggregate. The construction and improvement of all State highways or parts thereof shall be under the supervision and subject to the approval of the said Commission, in accordance with plans and specifications prepared by the chief engineer and approved by said Commission. In all cases where the contract for work and materials shall be given out after competitive bidding, the successful bidder shall promptly execute a formal contract to be approved as to its form, terms and conditions by said Commission, and shall also execute and deliver to said Commission a good and sufficient bond to be approved by said Commission to the State of Maryland in not less than the amount of the contract price. In no case shall any such bond be approved or accepted unless the obligators bind themselves therein to the payment of all just debts for labor and materials incurred by the bidder in the construction and improvement of the road contracted for. To all such bids there shall be attached the certified check of the bidder, and the bidder who has the contract awarded to him and who fails to promptly and properly execute the contract and bond shall forfeit the said contract. The said check shall be taken and considered as liquidated damages, and not a penalty, for failure of said bidder to execute said contract and bond. Upon the execution of said contract and bond by a successful bidder his check shall be returned to him. The amount of said check shall be five hundred dollars. The checks of the unsuccessful bidders shall be returned to them after opening the bids and awarding the contract to the successful bidder; provided, however, that said Commission, with the consent of a majority of all its members, may itself do any part or parts of any such work under such conditions in every respect as it may prescribe by day labor, whenever the chief engineer, in writing, shall recommend that course.

SEC. 2. *And be it enacted*, That this Act shall take effect from the date of its passage.

Approved April 13, 1910.