

**4.106—Capital Improvement Contracts**

(1) Whenever a capital improvement project is to be undertaken by the County, the Director of Public Works shall cause plans, specifications and estimates to be prepared. The County Administrator shall determine whether such capital improvement project is to be constructed by contract or by the County's employees.

(2) If the capital improvement project is to be constructed by contract, competitive bids shall be secured and the contract shall be awarded in accordance with the provisions of this subtitle; provided that no award of any capital improvement contract shall be made without the written approval of the Director of Public Works, the Director of Finance, and the County Executive. All contracts for capital improvement shall be approved by the Office of Law as to form and legal sufficiency and, following such approval, shall be executed on behalf of the County by the County Executive or his designee.

(3) If the plans and specifications are changed during construction to any extent which will require additional expenditure in excess of ~~twenty per cent (20%)~~ **TEN PER CENT (10%)** of the contract sum, the changed or additional construction shall be subject to approval by the County Council by supplementary or emergency appropriation ordinance as provided for in the Howard County Charter.

**4.107—Open Market Purchases and Sales**

All purchases of supplies and contractual services, and all sales of personal property which have become obsolete and unusable, estimated to be less than ~~Three Thousand Dollars (\$3,000.00)~~ **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)** in value, shall be deemed an open market transaction and shall not be subject to the requirements of competitive bidding; provided, however, that the purchasing agent shall, wherever practical and whenever the amount thereof exceeds Five Hundred Dollars (\$500.00), secure at least three (3) competitive bids on all open market transactions; provided further, that no order for purchases estimated to exceed Fifty Dollars (\$50.00) made under this Section, shall be issued until and unless the Director of Finance shall first certify that funds for the designated purpose are available. The rules and regulations adopted pursuant to this subtitle shall prescribe in detail the procedures to be observed in giving notice to prospective bidders; in tabulating and recording bids; in opening bids; in making purchases from the lowest responsible bidder and making sales to the highest responsible bidder under standards for determining same as set forth in the competitive bidding provisions; and in making available for public inspection all open market orders and the bids submitted in competition thereon.

**4.108—Professional Services**

Professional services are not normally subject to competitive bidding, and contracts for professional services are exempt from the competitive bidding provisions of this subtitle. **HOWEVER, PROFESSIONAL FEES PAID ARE TO BE BASED ON MINIMUM FEES SET BY APPROPRIATE BOARDS AND COMMISSIONS.** Contracts awarded for such services shall be the responsibility of the purchasing agent; provided, however, the head of the department or office using such service shall be consulted and shall indicate his concurrence with the contract and the professional obtained by signing the contract or by writing the purchasing agent a memorandum.