

#### 4.109—Single Source Purchases

(1) When the County requires supplies, materials or equipment which are produced by only one manufacturer, the purchasing agent shall specify such manufacturer's make or brand in the invitations to bid and shall obtain competitive bids from authorized dealers or distributors of such manufacturer. If such manufacturer is the sole bidder and the sole source of supply, the purchasing agent is authorized to negotiate an open market order or contract with the manufacturer at prices and on terms most advantageous to the County.

(2) When the County requires supplies, materials or equipment which are patented or proprietary and which are obtainable in two or more equally satisfactory and competitive makes, brands, or types, the purchasing agent shall list such acceptable and competitive makes, brands or types in the invitations to bid. Such list shall also include the phrase "or approved equal" to permit bidders to bid on alternate or additional makes, brands or types. It shall be incumbent on each bidder to prove to the satisfaction of the County that the alternate or additional make, brand or type is equal in quality or performance to those listed in the invitation to bid.

#### 4.110—Cooperative Purchasing

It shall be the duty of the purchasing agent to develop, to the maximum extent possible, a program for the joint, or cooperative, purchase with the County Board of Education of supplies that are common to the Board of Education and the County Government. In addition, the purchasing agent shall endeavor to arrange with the Board of Education officials for the development of a program of standardization of supplies whereby the number of the same type or kind of articles to be used by the two entities may be correspondingly increased. As appropriate, the purchasing agent may undertake similar programs involving joint or cooperative purchases with other public jurisdictions within the State, including the surrounding Counties, the City of Baltimore, and the State.

#### 4.111—Emergency Purchases

(1) The rules and regulations adopted pursuant to this subtitle shall provide for the specific terms and conditions under which emergency purchases shall be made. An "emergency" for purposes of this subtitle, shall be deemed to exist when a breakdown in machinery or a threatened termination of essential services or a dangerous condition develops, or when any unforeseen circumstance arises causing curtailment or diminution of an essential service.

(2) If an emergency occurs during regular County business hours, the using agency shall immediately notify the purchasing agent who shall either purchase the required supplies or contractual services or authorize the agency to do so.

(3) If an emergency occurs at times other than regular business hours, the using agency may purchase directly the required supplies or contractual services. The agency shall, however, whenever practical secure competitive telephone bids and order delivery to be made not later than the next regular County business day thereafter, submit to the purchasing agent a requisition, a tabulation of bids received, if any, a copy of the delivery record and a written explanation of the circumstances of the emergency.