

shall be the duty of the] THE Secretary [to] SHALL prescribe rules and regulations under which estimates of the needs of using authorities shall be submitted, and requisition made, and under which contracts for purchases may be made. ALL EXCEPT AS MAY BE OTHERWISE PERMITTED BY OTHER PROVISIONS OF LAW REGARDING EMERGENCIES, ALL STATE PURCHASE CONTRACTS IN EXCESS OF \$25,000 \$5,000 SHALL BE AWARDED ON A COMPETITIVE BASIS. HOWEVER, THE SECRETARY OF GENERAL SERVICES MAY NEGOTIATE AND, SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS, AWARD SUCH CONTRACTS TO OTHER THAN THE LOWEST BIDDER IF THE SECRETARY DETERMINES THAT TO BE IN THE BEST INTERESTS OF THE STATE. THE SECRETARY MAY WAIVE THE REQUIREMENT OF AWARDED SUCH CONTRACTS ON A COMPETITIVE BASIS IF:

(I) THE PUBLIC HEALTH, AND SAFETY IS ENDANGERED AFTER A NATURAL DISASTER OR ACT OF GOD;

(II) A STATE OF EMERGENCY IS DECLARED BY THE GOVERNOR; OR

(III) A BONA FIDE SINGLE SOURCE OF SUPPLY OR A PROPRIETARY PRODUCT OR PROCESS IS REQUIRED; OR

(IV) IT IS DETERMINED TO BE IN THE BEST INTERESTS OF THIS STATE AFTER APPROVAL OF THE BOARD OF PUBLIC WORKS.

EACH WAIVER AND THE REASONS THEREFOR SHALL BE DOCUMENTED AND RECORDED AND IMMEDIATELY REPORTED TO THE MARYLAND REGISTER FOR PRINTING IN THE NEXT AVAILABLE ISSUE.

SECTION 2. AND BE IT FURTHER ENACTED, That Section 7(4) of Article 78A - Public Works, of the Annotated Code of Maryland (1975 Replacement Volume and 1976 Supplement) be and it is hereby repealed and reenacted, with amendments, to read as follows:

Article 78A - Public Works

7.

(1) The Board of Public Works shall in like manner supervise the expenditure of all sums appropriated for the acquisition of land, buildings, equipment, new construction and other capital expenditures, except in connection with State roads, bridges and highways, whether made through the medium of a budget bill, a supplementary appropriation bill or a State bond issue bill, and all contracts for the expenditure thereof shall be subject to the approval of said Board before the same are executed, after review by the [Director of the Department of Public Improvements] SECRETARY OF GENERAL SERVICES. ALL EXCEPT AS MAY BE OTHERWISE PERMITTED BY OTHER PROVISIONS OF LAW REGARDING EMERGENCIES, ALL STATE CONSTRUCTION CONTRACTS IN EXCESS OF \$250,000 \$100,000