

ON REQUEST, THE BOARD SHALL GIVE EACH INTERESTED PERSON A COMPREHENSIVE DESCRIPTION OF THE NATURE AND SCOPE OF THE PROFESSIONAL SERVICES TO BE PROCURED. THE TRANSPORTATION AGENCY MAKING THE PROCUREMENT REQUEST SHALL PREPARE THE DESCRIPTION.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 41, §231P(d) (1), (2), and (3).

In this section and throughout this subtitle, the defined term "person" is substituted for present, inconsistent references to a "firm".

The term "transportation agency" is defined in §2-301 of this subtitle.

As to notices required by this section, see, also, Order No. 6 of the Joint Standing Committee on Administrative, Executive and Legislative Review, September 26, 1975, which requires publication in the Maryland Register of these notices. (Vol. 2, Maryland Register, page 1364.)

2-309. REQUIREMENTS FOR AWARD; WAIVER OF REQUIREMENTS.

(A) REQUIREMENTS.

(1) THE RECOMMENDATION OF THE BOARD FOR THE PROCUREMENT AND AWARD OF EACH CONTRACT FOR ARCHITECTURAL AND ENGINEERING SERVICES COSTING OVER \$25,000 SHALL:

(I) BE MADE ON A COMPETITIVE BASIS; AND

(II) INCLUDE AN EVALUATION OF TECHNICAL AND PRICE PROPOSALS FROM TWO OR MORE PERSONS.

(2) NEITHER THE TECHNICAL PROPOSAL NOR THE PRICE PROPOSAL MAY BE THE SOLE CRITERION IN MAKING A RECOMMENDATION ON A COMPETITIVE BASIS.

(B) WAIVER.

(1) THE BOARD MAY WAIVE THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION IF:

(I) IT DETERMINES IN WRITING THAT THE ARCHITECTURAL AND ENGINEERING SERVICES CANNOT BE DEFINED SO COMPLETELY AS TO LEND THEMSELVES TO THE PROCEDURES SET FORTH IN SUBSECTION (A) OF THIS SECTION;

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

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