

(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

(IV) A BONA FIDE SINGLE SOURCE OF SUPPLY OR A PROPRIETARY PRODUCT OR PROCESS IS REQUIRED.

(2) EACH WAIVER AND THE REASONS FOR IT SHALL BE DOCUMENTED AND REPORTED TO THE LEGISLATIVE POLICY COMMITTEE WITHIN 30 DAYS.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 41, §§231-0 and 231Q.

In subsection (a) of this section, the phrase "{t}he recommendation of the Board for the procurement ... shall be made" is substituted for the ambiguous "{the} procurement and award ... shall be awarded". This is done to clarify the distinction between the functions of this Board and those of the Board of Public Works. As seen more clearly from present Art. 41, §231P(d) (4) - now §231W of this subtitle - the former selects a consultant and recommends its selection to the latter; the actual award may be made only by the Board of Public Works.

231W. RECOMMENDATION OF AWARD TO BOARD OF PUBLIC WORKS.

(A) RECOMMENDATION TO BOARD OF PUBLIC WORKS.

THE BOARD SHALL RECOMMEND TO THE BOARD OF PUBLIC WORKS THE PERSON FROM WHICH THE REQUESTED ARCHITECTURAL OR ENGINEERING SERVICES SHOULD BE PROCURED. ITS RECOMMENDATION SHALL BE MADE IN ACCORDANCE WITH §231V OF THIS SUBTITLE.

(B) ASSURANCE OF FINANCIAL CAPACITY.

THE BOARD SHALL ASSURE THAT THE RECOMMENDED PERSON HAS THE FINANCIAL CAPACITY TO PROVIDE THE SERVICES AND TO PROTECT THIS STATE FROM ERRORS AND OMISSIONS THAT MIGHT ARISE FROM THE DIRECT PERFORMANCE OF THE SERVICES OR THE PERFORMANCE OF THE SERVICES BY THIRD PARTIES RELYING ON THE COMPLETED DESIGN OR WORK PRODUCT.

(C) STATEMENT OF REASONS FOR SELECTION.

WITH EACH RECOMMENDATION, THE BOARD SHALL SUBMIT A