

1B.

THE DUTIES, POWER, AND AUTHORITY OVER THE PROCUREMENT, MANAGEMENT, AND CONTROL OF ALL SUPPLIES, SERVICES, CONSTRUCTION, AND OTHER ITEMS ACQUIRED BY THE STATE IS VESTED WITH THE BOARD OF PUBLIC WORKS AS PROVIDED IN ARTICLE 21 OF THE CODE.

7.

[(1)] (A) 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 Secretary of General Services. [Except as may be otherwise permitted by other provisions of law regarding emergencies, all State construction contracts in excess of \$10,000 shall be awarded on a competitive basis. However, the Board of Public Works may approve the award of such contracts to other than the lowest bidder if the Board determines that to be in the best interest of the State.]

[(2)] (B) In any acquisition of property from private owners, the Board of Public Works prior to the acquisition shall obtain two independent appraisals of the property.

[(3)] (i) A negotiated or change order contract for construction in excess of \$10,000 may not be awarded unless the contractor first executes a truth-in-negotiation certificate stating that wage rates, and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting.

(ii) The certification shall contain a provision that the original price of the contract and any additions to it, including profits or a fee, shall be adjusted to exclude any sums where the board determines the price was increased in those sums due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs.

(iii) Adjustments to the contract shall be made within one year of the completion of the performance of the contract.

(iv) Any person who intentionally violates the provisions of this paragraph is guilty of a felony and upon conviction is subject to a fine not exceeding \$5,000, or imprisonment not exceeding five years, or both.

(4) A cost-plus-a-percentage-of-cost type of contract is prohibited. A firm may not allow increased costs to