

Article 21 - Procurement
 Section 9-109 and 9-209
 Annotated Code of Maryland
 (1973 Replacement Volume and 1980 Supplement)
 (As enacted by Chapter 775 of the Acts of the
 General Assembly of 1980)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland (as enacted by Chapter 775 of the Acts of the General Assembly of 1980) be repealed, amended, or enacted to read as follows:

Article 21 - Procurement

9-109.

(a) (1) The recommendation of the Transportation Selection 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) (1) The Transportation Selection 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~~ AN emergency is declared by the Governor; ~~for~~

(iv) A bona fide single source of supply or a proprietary product or process is required~~}.}~~ ~~OR~~

~~(V) -- THERE IS SOME OTHER REASON TO USE ONE OF THE OTHER AUTHORIZED METHODS THAT IS SO COMPELLING THAT IT OVERRIDES THE GENERAL PUBLIC POLICY IN FAVOR OF COMPETITIVE PROCUREMENT.~~

(2) Each waiver and the reasons for it shall be: