

CONTRACTOR DESCRIBED IN SUBPARAGRAPHS (II) AND (III) OF PARAGRAPH (1).

[13-205.] 11-113. EMERGENCY AND EXPEDITED PROCUREMENTS.

[(a) If it is determined in accordance with the provisions of § 13-202 of this article that competitive sealed bidding cannot be used in awarding a contract because there is only one available source for the subject of the contract, the procurement officer may, with the approval of the agency head, award a State procurement contract by noncompetitive negotiation.

(b) If it is determined in accordance with the provisions of § 13-202 of this article that competitive sealed bidding cannot be used in awarding a contract because an unanticipated emergency leaves insufficient time to use this method, the procurement officer may, with the approval of the agency head or his designee, award a State procurement contract by noncompetitive negotiation. The using agency shall subsequently submit to the Board a report in writing justifying the need for this emergency procurement.]

(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE PROCUREMENT OFFICER, WITH THE APPROVAL OF THE PROCUREMENT AGENCY HEAD, MAY MAKE AN EMERGENCY PROCUREMENT BY ANY PROCESS HE CONSIDERS MOST APPROPRIATE TO AVOID OR TO MITIGATE SERIOUS DAMAGE TO PUBLIC HEALTH, SAFETY, OR WELFARE. THE PROCUREMENT OFFICER SHALL ATTEMPT TO OBTAIN AS MUCH COMPETITION AS IS POSSIBLE AND PRACTICABLE. THE PROCUREMENT AGENCY SHALL SUBSEQUENTLY SUBMIT TO THE BOARD A WRITTEN REPORT JUSTIFYING THE USE OF THE EMERGENCY PROCUREMENT METHOD.

[(c)] (B) Notwithstanding any other provision of this [article] SUBTITLE, a procurement agency may, with the prior approval of the agency head and the Board, make a procurement on an expedited basis if the procurement agency head and the Board find that urgent circumstances require prompt action, that an expedited procurement best serves the public interest, and that the need for the expedited procurement outweighs the benefits of making the procurement under § [13-202] 11-110 or § [13-203] 11-111 of this article. The procurement officer shall attempt to obtain as much competition as is possible and practicable.

[(d)] (C) The award of a contract under this section shall be published in the Maryland Register.

[13-206.] 11-114. SMALL PROCUREMENT.

Procurements INVOLVING EXPENDITURES of not more than [\$7,500] \$10,000, AND PROCUREMENTS MADE SUBJECT TO THIS SUBTITLE BY § 11-103(A)(2) IN WHICH ANY EXPECTED REVENUES TO THE STATE CONTRACTOR WILL NOT BE MORE THAN \$10,000 ANNUALLY, may be made under small procurement procedures adopted BY REGULATION by a department. The procedures established by [the] EACH department shall provide for a simplified administrative process [which]