

(3) AS TO A CONTRACT FOR SUPPLIES, SERVICES, OR CONSTRUCTION RELATED SERVICES, THE PROCUREMENT OFFICER MAY REQUIRE BID SECURITY IN ANY AMOUNT. FOR BIDS OR PROPOSALS STATING A RATE BUT NOT A TOTAL PRICE, THE PROCUREMENT OFFICER SHALL DETERMINE THE DOLLAR AMOUNT OF THE BID SECURITY.

(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE SOLICITATION REQUIRES THAT BID SECURITY BE PROVIDED, A BID OR OFFER NOT ACCOMPANIED BY PROPER SECURITY SHALL BE REJECTED.

(II) THE PROCUREMENT OFFICER MAY ACCEPT THE BID OR OFFER IF HE DETERMINES THAT THE DEFICIENCY IN THE AMOUNT OF THE SECURITY PROVIDED IS INSUBSTANTIAL AND ACCEPTANCE IS IN THE BEST INTERESTS OF THE STATE, AND THAT:

1. ONLY ONE BID OR PROPOSAL WAS RECEIVED, AND THERE IS INSUFFICIENT TIME TO REBID THE CONTRACT;

2. THE BID SECURITY BECAME INADEQUATE AS A RESULT OF THE CORRECTION OF A MISTAKE IN THE BID OR PROPOSAL, OR AS A RESULT OF A MODIFICATION IN THE BID OR PROPOSAL IN ACCORDANCE WITH APPLICABLE REGULATIONS, AND THE BIDDER OR OFFEROR INCREASED THE AMOUNT OF BID SECURITY TO REQUIRED LIMITS WITHIN 48 HOURS AFTER THE CORRECTION OR MODIFICATION; OR

3. AFTER CONSIDERATION OF THE RISKS INVOLVED AND THE DIFFERENCE BETWEEN THE LOWEST BID AND THE NEXT LOWEST BID, FISCAL ADVANTAGE COULD REASONABLY BE EXPECTED TO ACCRUE TO THE STATE FROM ACCEPTANCE OF THE LOWEST BID.

(5) IF A BIDDER OR OFFEROR IS PERMITTED TO WITHDRAW A BID OR PROPOSAL BEFORE AWARD BECAUSE OF A MISTAKE IN THE BID OR PROPOSAL, ACTION MAY NOT BE TAKEN AGAINST THE BID SECURITY. OTHERWISE, ACTION MAY BE TAKEN AGAINST THE BID SECURITY OF A BIDDER OR OFFEROR THAT WITHDRAWS A BID OR OFFER.

(C) A CONSTRUCTION CONTRACT THE PRICE OF WHICH EXCEEDS \$50,000 SHALL INCLUDE PERFORMANCE AND PAYMENT BONDS, AS REQUIRED BY TITLE 12, SUBTITLE 2 OF THIS ARTICLE.

(D) IF CIRCUMSTANCES WARRANT, THE PROCUREMENT OFFICER MAY REQUIRE A PERFORMANCE BOND OR OTHER SECURITY FOR ANY CONTRACT FOR SUPPLIES, SERVICES, OR CONSTRUCTION RELATED SERVICES, THE PRICE OF WHICH EXCEEDS \$50,000.

[Subtitle 6. Management of Construction Contracting]
PART VII. CONTRACT CLAUSES.

[13-601.

The Department shall promulgate regulations providing for alternative methods of management of construction contracting, setting standards for determining the method of management to be used for a particular project and requiring the procurement