

(ii) [Documented] DOCUMENTED and immediately reported to the Maryland Register for printing in the next available issue.

[19-109.1.] 11-157.1. CONTRACTS FOR SERVICES COSTING \$100,000 OR LESS.

The transportation agency shall negotiate all contracts for architectural and engineering services costing \$100,000 or less on a competitive basis, at a price the transportation agency determines to be fair and reasonable.

[19-110.] 11-158. RECOMMENDATION OF AWARD TO BOARD OF PUBLIC WORKS.

(a) The Transportation Selection 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 § [19-109] 11-157 of this subtitle.

(b) The Transportation Selection 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) With each recommendation, the Transportation Selection Board shall submit a statement of the reasons for the selection. This statement serves as a public notice of the selection.

[19-111.] 11-159. TRUTH-IN-NEGOTIATION CERTIFICATE; ADJUSTMENTS TO CONTRACT.

(a) A person may not be awarded under this subtitle any contract costing over \$100,000 unless the person has executed a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current as of the time of contracting.

(b) (1) The certificate shall provide that the original price of the contract and any additions to the contract will be adjusted to exclude any significant sums if the Transportation Selection Board determines that the price was increased due to inaccurate, incomplete, or noncurrent wage rates or other factual unit costs.

(2) The adjustment to the contract shall be made within 1 year after the end of the contract.

[19-112.] 11-160. AFFIDAVIT OF NONCOLLUSION.

A person may not be awarded a contract unless the person submits, with the price quotation, an affidavit of noncollusion.