

REVISOR'S NOTE: This section is new language derived without substantive change from former SF §§ 11-157(a)(2)(v)2. and 11-175(a)(2)(vi)2.

Defined terms: "Procurement contract" § 11-101
"Selection Board" § 13-301

13-314. WAIVER OF REQUIREMENTS.

(A) IN GENERAL.

THE SELECTION BOARD SHALL WAIVE THE REQUIREMENTS OF §§ 13-304(B), 13-308, 13-309, 13-311, 13-312(B), AND 13-313 OF THIS SUBTITLE IF:

(1) THE SELECTION BOARD DETERMINES THAT:

(I) THE ARCHITECTURAL SERVICES OR ENGINEERING SERVICES CANNOT BE DEFINED SUFFICIENTLY SO COMPLETELY AS TO CARRY OUT THOSE REQUIREMENTS; OR

(II) THE SPECIFICATIONS REQUIRE ARCHITECTURAL SERVICES OR ENGINEERING SERVICES THAT ARE AVAILABLE ONLY FROM A BONA FIDE SINGLE SOURCE OR A PROPRIETARY PRODUCT OR PROCESS;

(2) THE GOVERNOR DECLARES AN EMERGENCY;

(3) AFTER A NATURAL DISASTER, PUBLIC HEALTH AND SAFETY ARE ENDANGERED; OR

(4) ON THE RECOMMENDATION OF THE SECRETARY OF GENERAL SERVICES OR TRANSPORTATION AND A FINDING BY THE GOVERNOR THAT EXTRAORDINARY CIRCUMSTANCES EXIST, THE BOARD OF PUBLIC WORKS DETERMINES THAT:

(I) FOR A PARTICULAR PROJECT, URGENT CIRCUMSTANCES REQUIRE THE SELECTION OF A CONTRACTOR ON AN EXPEDITED BASIS;

(II) EXPEDITED SELECTION BEST SERVES THE PUBLIC INTEREST; AND

(III) THE NEED FOR AN EXPEDITED SELECTION OUTWEIGHS THE BENEFITS OF CARRYING OUT THOSE REQUIREMENTS.

(B) DOCUMENTATION OF WAIVER.

A WAIVER AND THE REASONS FOR IT SHALL BE DOCUMENTED AND:

(1) IMMEDIATELY REPORTED TO THE MARYLAND REGISTER FOR PRINTING IN THE NEXT AVAILABLE ISSUE; AND