

WHENEVER A REASONABLE PRICE CANNOT BE AGREED UPON, OR WHENEVER THE OWNER IS LEGALLY INCAPACITATED OR IS ABSENT, UNKNOWN OR UNABLE TO CONVEY VALID TITLE, THE AUTHORITY IS HEREBY AUTHORIZED AND EMPOWERED TO ACQUIRE BY CONDEMNATION OR BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN ANY LANDS, PROPERTY, RIGHT, RIGHTS-OF-WAY, FRANCHISES, EASEMENTS, AND OTHER PROPERTY DEEMED NECESSARY OR CONVENIENT FOR THE CONSTRUCTION OR THE EFFICIENT OPERATION OF THE PROJECT OR NECESSARY IN THE RESTORATION OF PUBLIC OR PRIVATE PROPERTY DAMAGED OR DESTROYED.

WHENEVER THE AUTHORITY ACQUIRES PROPERTY UNDER THIS ARTICLE IV OF THIS CHAPTER, IT SHALL COMPLY WITH THE APPLICABLE FEDERAL LAW RELATING TO RELOCATION AND RELOCATION ASSISTANCE. IF THERE IS NO APPLICABLE FEDERAL LAW, THE AUTHORITY SHALL COMPLY WITH THE PROVISION OF THE STATE LAW OF THE SIGNATORY IN WHICH THE PROPERTY IS LOCATED GOVERNING RELOCATION AND RELOCATION ASSISTANCE.

IN ADVANCE OF UNDERTAKING ANY ACQUISITION OF PROPERTY OR EASEMENTS IN MARYLAND OR THE CONDEMNATION OF SUCH PROPERTY, THE AUTHORITY MUST OBTAIN FROM THE MARYLAND BOARD OF PUBLIC WORKS APPROVAL OF A PLAN IDENTIFYING THE PROPERTIES TO BE OBTAINED FOR THE PROJECT. CONDEMNATION PROCEEDINGS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW OF THE SIGNATORY IN WHICH THE PROPERTY IS LOCATED GOVERNING CONDEMNATION BY THE HIGHWAY AGENCY OF SUCH STATE. NOTHING IN THIS ACT SHALL BE CONSTRUED TO AUTHORIZE THE AUTHORITY TO CONDEMN THE PROPERTY OF THE COMMONWEALTH OF VIRGINIA OR THE STATE OF MARYLAND.

#### B. PROCUREMENT

1. EXCEPT AS PROVIDED IN SUBSECTIONS 2, 3, AND 6 OF THIS SECTION B, AND EXCEPT IN THE CASE OF PROCUREMENT PROCEDURES OTHERWISE EXPRESSLY AUTHORIZED BY STATUTE, THE AUTHORITY IN CONDUCTING A PROCUREMENT OF PROPERTY, SERVICES, OR CONSTRUCTION SHALL: A. OBTAIN FULL AND OPEN COMPETITION THROUGH THE USE OF COMPETITIVE PROCEDURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION; AND B. USE THE COMPETITIVE PROCEDURE OR COMBINATION OF COMPETITIVE PROCEDURES THAT IS BEST SUITED UNDER THE CIRCUMSTANCES OF THE PROCUREMENT. IN DETERMINING THE COMPETITIVE PROCEDURE APPROPRIATE UNDER THE CIRCUMSTANCES, THE AUTHORITY SHALL: A. SOLICIT SEALED BIDS IF: (I) TIME PERMITS THE SOLICITATION, SUBMISSION, AND EVALUATION OF SEALED BIDS; (II) THE AWARD WILL BE MADE ON THE BASIS OF PRICE AND OTHER PRICE-RELATED FACTORS; (III) IT IS NOT NECESSARY TO CONDUCT DISCUSSIONS WITH THE RESPONDING SOURCES ABOUT THEIR BIDS; AND (IV) THERE IS A REASONABLE EXPECTATION OF RECEIVING MORE THAN ONE SEALED BID; OR B. REQUEST COMPETITIVE PROPOSALS IF SEALED BIDS ARE NOT APPROPRIATE UNDER CLAUSE A. OF THIS SENTENCE.