

(c) If the General Assembly authorizes or requires that certain services be performed by an independent contractor, the Board of Public Works may approve a service contract for those services without the certification required by subsection (b) of this section.

[12-404.] 13-404.

(a) The departments may certify a service contract to the Board of Public Works as provided in this section.

(b) The departments may certify a service contract as being exempt from the preference stated in [§ 12-402] § 13-402 of this subtitle if:

- (1) state employees are not available to perform the services;
- (2) a conflict of interest would result if a State employee were to perform the services;
- (3) the nature of the services meets the standards set by the Department of Personnel for emergency appointments;
- (4) the services are incidental to the purchase or lease of personal property or real property, such as a service agreement that is part of the purchase or rental of computers or office equipment; or

(5) a clear need exists to obtain an unbiased finding or opinion, such as an expert witness in litigation.

(c) The departments may certify a service contract that is not exempt under subsection (b) of this section only if:

- (1) the unit that seeks to enter into the service contract has complied with [§ 12-405] § 13-405 of this subtitle; and
- (2) the departments find that:
 - (i) the potential economic advantage of entering into the service contract is not outweighed by the preference stated in [§ 12-402] § 13-402 of this subtitle;
 - (ii) the service contract does not adversely affect the affirmative action efforts of this State;
 - (iii) the service contract includes adequate control mechanisms to ensure that the services will be performed in accordance with the service contract; and
 - (iv) the service contract complies with all of the requirements of Division II of the State Finance and Procurement Article.

[12-405.] 13-405.

(a) A unit that seeks to enter into a service contract that is not exempt under [§ 12-403(c)] § 13-403(C) or [§ 12-404(b)] § 13-404(B) of this subtitle shall submit to the departments the information required by this section.