

~~[(c)] (D) For any public improvement project financed in whole or in part with proceeds of a consolidated capital bond loan or with State General Fund appropriations, the following additional procedures shall apply:~~

~~(1) for architectural and engineering contracts exceeding \$100,000, the Department must request the Board of Public Works to authorize the transfer of the contract amount to University funds. Any additional funds that may be needed may be transferred by an action of the Board of Public Works upon review by the Department;~~

~~(2) plans, specifications, schematics, design development, contract and bid documents shall be reviewed by the Department concurrent with University review;~~

~~(3) the Department may have a representative present at bid openings;~~

~~(4) the University shall analyze construction bids, recommend contractor selections, and notify the Department of its recommended selection and the date the item will be on the Board of Public Works' agenda;~~

~~(5) the Department shall prepare an agenda item for the Board of Public Works authorizing transfer to the University of the funds equal to the contract, plus 5% for use as a contingency fund for change orders. If the 5% contingency fund is insufficient to complete the project, the Department shall review the change conditions and make a recommendation to the Board of Public Works concerning the transfer of additional funds;~~

~~(6) all program changes not authorized in the original scope of the project shall be approved by the Department of Budget and Management and the Department prior to commitment by the University;~~

~~(7) at completion of the project, any unused amount of construction contingency funds or planning fund authorization shall be returned to the Board of Public Works by an action agenda item of the University; and~~

~~(8) the Department shall be part of the final inspection of the project and final acceptance may not occur without the Department's concurrence.~~

~~[(f)] (E) (1) For any public improvement project funded solely from funds other than State general funds or the proceeds of a general obligation bond loan, the University is responsible for procuring public improvement and public improvement related services, for planning, and for management of all aspects of the project.~~

~~(2) Any contract under this subsection is subject to approval by the Board of Public Works.~~

4-410.

(a) This section applies to any public improvement project of [the University System of Maryland and] Morgan State University.