

(c) An appropriation or allocation to the Fund may not be made if it would cause the total balance in the Fund to exceed [.75%] 1.25% of the capital debt affordability limit, determined under Title 8 of this article, for that year.

(d) With the advice and assistance of the Departments of Budget and Management and General Services, the Fund shall be administered by the Board of Public Works.

(e) With the approval of the Governor, the Secretaries of Budget and Management and General Services may request the Board of Public Works to authorize an expenditure from the Fund to supplement any capital appropriation or to conduct value engineering on a project:

(1) that is for a capital project to be owned by the State or a unit of the State government;

(2) that was contained in a capital appropriation of an annual budget, in an annual general construction loan, or in an annual Maryland consolidated capital bond loan; and

(3) (i) that is insufficient in amount to permit the initial award of a contract for the project to the bidder or offeror selected in accordance with applicable State law, or to cover change orders during construction of the project which do not increase the scope of the project; or

(ii) if, in the belief of the Department of General Services or at the request of the budget committees, the project cost could be reduced or quality improved through the use of value engineering.

(f) The Secretaries of Budget and Management and General Services shall evaluate any project for additional funding and certify in writing that the project meets the criteria in subsection (e) of this section and that:

(1) all reasonable attempts to reduce the cost of the project have been made;

(2) no practicable alternative exists for securing funding to complete the project; and

(3) the requested additional funding does not increase the scope of the project.

(g) (1) Prior to seeking approval from the Board of Public Works, the Department of General Services and the Department of Budget and Management shall:

(i) provide written notice to the budget committees on the planned use of the funds; and

(ii) allow 45 days for review and comment by the budget committees.