

(3) (i) Except as provided in subparagraph (ii) of this subsection, specifications that use one or more manufacturer's product to describe the standard of quality, performance, or other characteristics needed to meet the county board's requirements, must allow for the submission of equivalent products.

(ii) Subparagraph (i) of this paragraph does not apply if the county board determines in the written specification that:

1. A particular manufacturer's product is required to maintain compatibility of service or equipment;
2. A particular manufacturer's product is required to meet the health needs of students;
3. Replacement parts or maintenance are a paramount consideration; or
4. A product is purchased for resale.

(c) (1) A contract for the school building, improvements, supplies, or other equipment shall be awarded to the lowest responsible bidder who conforms to specifications with consideration given to:

- (i) The quantities involved;
- (ii) The time required for delivery;
- (iii) The purpose for which required;
- (iv) The competency and responsibility of the bidder;
- (v) The ability of the bidder to perform satisfactory service; and
- (vi) The plan for utilization of minority contractors.

(2) The county board may reject any and all bids and readvertise for other bids.

(d) (1) In this subsection, the term "minority business enterprise" has the meaning stated in § 14-301 of the State Finance and Procurement Article.

(2) In Montgomery County, by resolution and by implementing regulations, the Montgomery County Board of Education shall establish a minority business utilization program to facilitate the participation of responsible certified minority business enterprises in contracts awarded by the Montgomery County Board of Education in accordance with competitive bidding procedures.

(E) NONPUBLIC SCHOOLS MAY PARTICIPATE UNDER ANY CONTRACTS FOR GOODS OR COMMODITIES THAT ARE AWARDED BY COUNTY BOARDS, OTHER PUBLIC AGENCIES, OR INTERGOVERNMENTAL PURCHASING ORGANIZATIONS, IF THE LEAD AGENCY FOR THE CONTRACT AWARD FOLLOWS PUBLIC BIDDING PROCEDURES.

[(e)] (F) A contract entered into or purchase made in violation of this section is void.