

Article - Education

16-408.

(a) (1) Except as provided in paragraph (2) of this subsection, this section applies to every contract for any building, improvement, equipment, or supplies.

(2) This section does not apply to:

(i) The purchase of books or other materials for instruction;

(ii) Emergency repairs;

(iii) Any contract or purchase made by a county for a community college under procedures authorized by the county charter or an act of the General Assembly; or

(iv) Any contract or purchase that qualifies as a "small procurement" as defined in the State Procurement Regulations.

(b) (1) The board of trustees, at least 2 weeks before bids are to be filed, shall advertise for bids in at least one newspaper published in the county.

(2) The board of trustees may name in the specifications and advertisements for bids the particular make, kind, or brand of article to be contracted for or purchased.

(C) (1) THE BOARD OF TRUSTEES OF EACH COMMUNITY COLLEGE MAY PROVIDE FOR THE PREQUALIFICATION OF PERSONS AS PROSPECTIVE RESPONSIBLE BIDDERS FOR PROCUREMENTS OTHER THAN LEASES OF REAL PROPERTY.

(2) IF A BOARD OF TRUSTEES USES A PREQUALIFICATION PROCEDURE FOR AWARDING A PROCUREMENT CONTRACT:

(I) A PERSON WHO IS NOT PREQUALIFIED MAY SUBMIT A BID OR PROPOSAL; AND

(II) AFTER BID OPENING OR RECEIPT OF PROPOSALS AND BEFORE AWARDING THE PROCUREMENT CONTRACT, A PROCUREMENT OFFICER MAY DETERMINE THAT:

1. A PERSON WHO WAS NOT PREQUALIFIED AT THE TIME OF BID OPENING OR RECEIPT OF PROPOSALS IS A RESPONSIBLE BIDDER; OR

2. A PREQUALIFIED PERSON IS NOT A RESPONSIBLE BIDDER.

[(c)](D) (1) Except as provided in subsection [(d)] (E) of this section, the contract shall be awarded to the lowest responsible bidder, who conforms to the specifications, with consideration given to:

(i) The quantities involved;