

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

(b) The Department may certify a service contract as being exempt from the preference stated in § 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 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 Department 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 § 13-405 of this subtitle; and

(2) the Department finds that:

~~(1) THE UNIT THAT SEEKS TO ENTER INTO THE SERVICE CONTRACT HAS COMPLIED WITH § 13-405 OF THIS SUBTITLE;~~

~~{(i)}~~ (2) the potential economic advantage of entering into the service contract is not outweighed by the preference stated in § 13-402 of this subtitle;

~~{(ii)}~~ (3) the service contract does not adversely affect the affirmative action efforts of this State;

~~{(iii)}~~ (4) the service contract includes adequate control mechanisms to ensure that the services will be performed in accordance with the service contract; and

~~{(iv)}~~ (5) the service contract complies with all of the requirements of Division II of the State Finance and Procurement Article; ~~AND~~