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§3–602.

(a) The Department shall study each capital project proposed by any unit of the State government.

(b) Except for a capital project designated as an emergency by the unit of the State government proposing the project, any unit of the State government requesting a capital project shall submit its request to the Department on or before June 30 of the fiscal year preceding the fiscal year in which the capital project is to begin.

(c) Each request for a capital project by a unit of the State government, including the University System of Maryland, St. Mary's College of Maryland, and Morgan State University, shall include a detailed list of all proposed expenditures for capital improvements to be funded from grants or nonbudgeted revenues.

(d) (1) Before an appropriation may be authorized for preliminary planning of a proposed capital project:

(i) the unit of the State government requesting the appropriation shall submit to the Department a program describing, in detail, the scope and purpose of the project; and

(ii) the Secretary of Budget and Management must approve the program.

(2) Before an appropriation may be authorized for construction of a proposed capital project:

(i) the unit of State government requesting the appropriation shall submit to the Departments of Budget and Management and General Services a detailed design program, which shall include all information required by the Departments; and

(ii) both the Secretary of Budget and Management and the Secretary of General Services must approve the detailed design program.

(e) Except with the approval of the Secretary of Budget and Management and the Secretary of General Services, no change may be made in any proposed capital project after the preliminary plan for that project has been completed and approved.

(f) (1) This subsection applies only to capital projects that involve construction of permanent or long-time duration.

(2) When the request for an appropriation for a capital project is submitted to the General Assembly, the unit of the State government that would receive the capital project or a State officer on behalf of the unit shall submit to the

General Assembly:

(i) preliminary plans and outline specifications for the project that show the size, the type of construction, and the arrangement of each building; and

(ii) a statement on the sufficiency of the proposed appropriation to pay fully for the costs of that project.

(g) Total project funding may utilize alternative construction methods, such as:

(1) design/build which involves a single solicitation to design and build the facility; or

(2) "fast track" in which design and construction are implemented concurrently.

(h) A request for total project funding may be authorized jointly by the Secretaries of Budget and Management and General Services if:

(1) (i) the planning, design, construction, and equipment funds for the project have been authorized and itemized in the State budget bill or a supplementary appropriation bill; or

(ii) the Secretaries make a determination, supported in writing and submitted to the Legislative Policy Committee of the General Assembly and the Board of Public Works, that:

1. total project funding is time critical and will result in significant cost savings;

2. there is compelling reason why the procedure required in this paragraph cannot be adopted; and

3. circumstances necessitate that consideration of the total project funding occur during the legislative interim, rather than during the legislative session; and

(2) (i) the total project funding request has been submitted to the Legislative Policy Committee for its review and comment;

(ii) written comment from the Legislative Policy Committee has been received or 45 days have elapsed after the Legislative Policy Committee has received the request and all supporting information; and

(iii) the request has been approved by the Board of Public Works.

(i) The submissions and approvals required by subsections (b) through (h) of this section are not required in connection with any capital project funded by the

Transportation Trust Fund.

(j) "Total project funding" means the funding for the planning, design, construction, and equipment of a capital project through a single appropriation or authorization or through a proposed capital lease.

(k) "Capital lease" means any lease, defined as a capital lease in accordance with generally accepted accounting principles, that is used to finance the acquisition, purchase, construction, and any related renovation or alteration of real property that is the subject of a capital project.

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