

1 (3) "Facilities construction contract" means a contract that provides
2 services for the construction of:

3 (i) Water or wastewater treatment plants;

4 (ii) Water or wastewater pumping stations and related force mains
5 within the pumping station site limits;

6 (iii) Water storage facilities; and

7 (iv) Wastewater storage facilities or buildings.

8 (4) "Pipeline contract" means a contract that provides services for the
9 construction of a pipeline.

10 (b) This section only applies to design/build contracts and construction
11 contracts.

12 (c) (1) Whenever the WSSC decides, after an opportunity for a hearing has
13 been given, to proceed with the design or construction of a water supply or sanitary
14 sewer system, the WSSC shall comply with the requirements of this section.

15 (2) The WSSC shall advertise, by notice in newspapers and technical
16 press as the WSSC considers proper, for bids or proposals for the design and
17 construction of the system, in parts or as a whole, as the WSSC considers advisable.

18 (3) Design/build contracts [shall] MAY be used [only] for facilities
19 construction contracts [with costs exceeding \$2 million] and [may not be used] for
20 pipeline contracts.

21 (4) The WSSC:

22 (i) May readvertise the work or any part of the work if the WSSC
23 considers that the prices quoted are unreasonable; or

24 (ii) Subject to paragraph (5) of this subsection, may do any part or
25 all of the work by day labor.

26 (5) Notwithstanding paragraph (6) of this subsection, at any time the
27 WSSC may expend \$15,000 or less by day labor for construction work without
28 advertising or receiving bids or proposals.

29 (6) The WSSC shall award contracts by:

30 (i) Competitive sealed bids in accordance with subsection (d) of this
31 section; or

32 (ii) Competitive sealed proposals in accordance with subsection (e)
33 of this section.

34 (7) The WSSC may reject any bid or proposal.

1 (8) The WSSC:

2 (i) May adopt regulations to establish a prequalification process
3 for bidders or offerors; and

4 (ii) Shall adopt regulations to govern discussions held under
5 subsection (e)(3) of this section.

6 (9) (i) Except as prohibited under subparagraph (ii) of this paragraph,
7 the WSSC may enter into any type of contract under this section that promotes the
8 best interest of the WSSC.

9 (ii) The WSSC:

10 1. May not enter a cost-plus-percentage-of-cost contract;
11 and

12 2. Shall prohibit a cost-plus-percentage-of-cost subcontract
13 under a WSSC contract.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1998.