

SEALED BIDS TO THE LOWEST RESPONSIBLE BIDDER. NOTICE REQUESTING SUCH BIDS SHALL BE PUBLISHED IN A MANNER REASONABLY LIKELY TO ATTRACT PROSPECTIVE BIDDERS, WHICH PUBLICATION SHALL BE MADE AT LEAST TEN DAYS BEFORE BIDS ARE RECEIVED AND IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE ZONE. THE BOARD MAY REJECT ANY AND ALL BIDS AND READVVERTISE IN ITS DISCRETION. IF AFTER REJECTING BIDS THE BOARD DETERMINES AND RESOLVES THAT, IN ITS OPINION, THE SUPPLIES, EQUIPMENT AND MATERIALS MAY BE PURCHASED AT A LOWER PRICE IN THE OPEN MARKET, THE BOARD MAY GIVE EACH RESPONSIBLE BIDDER AN OPPORTUNITY TO NEGOTIATE A PRICE AND MAY PROCEED TO PURCHASE THE SUPPLIES, EQUIPMENT AND MATERIALS IN THE OPEN MARKET AT A NEGOTIATED PRICE WHICH IS LOWER THAN THE LOWEST REJECTED BID OF A RESPONSIBLE BIDDER, WITHOUT FURTHER OBSERVANCE OF THE PROVISIONS REQUIRING BIDS OR NOTICE. THE BOARD SHALL ADOPT RULES AND REGULATIONS TO PROVIDE FOR PURCHASING FROM THE LOWEST RESPONSIBLE BIDDER WHEN SEALED BIDS, NOTICE AND PUBLICATION ARE NOT REQUIRED BY THIS SECTION. THE BOARD MAY SUSPEND AND WAIVE THE PROVISIONS OF THIS SECTION REQUIRING COMPETITIVE BIDS WHENEVER:

(A) THE PURCHASE IS TO BE MADE FROM OR THE CONTRACT IS TO BE MADE WITH THE FEDERAL OR ANY STATE GOVERNMENT OR ANY AGENCY OR POLITICAL SUBDIVISION THEREOF OR PURSUANT TO ANY OPEN-END BULK-PURCHASE CONTRACT OF ANY OF THEM;

(B) THE PUBLIC EXIGENCY REQUIRES THE IMMEDIATE DELIVERY OF THE ARTICLES;

(C) ONLY ONE SOURCE OF SUPPLY IS AVAILABLE; OR

(D) THE EQUIPMENT TO BE PURCHASED IS OF A TECHNICAL NATURE AND THE PROCUREMENT THEREOF WITHOUT ADVERTISING IS NECESSARY IN ORDER TO ASSURE STANDARDIZATION OF EQUIPMENT AND INTERCHANGEABILITY OF PARTS IN THE PUBLIC INTEREST.

#### 74. RIGHTS-OF-WAY.

THE BOARD IS AUTHORIZED TO LOCATE, CONSTRUCT AND MAINTAIN ANY OF ITS TRANSIT AND RELATED FACILITIES IN, UPON, OVER, UNDER OR ACROSS ANY STREETS, HIGHWAYS, FREEWAYS, BRIDGES AND ANY OTHER VEHICULAR FACILITIES, SUBJECT TO THE APPLICABLE LAWS GOVERNING SUCH USE OF SUCH FACILITIES BY PUBLIC AGENCIES. IN THE ABSENCE OF SUCH LAWS, SUCH USE OF SUCH FACILITIES BY THE BOARD SHALL BE SUBJECT TO SUCH REASONABLE CONDITIONS AS THE HIGHWAY DEPARTMENT OR OTHER AFFECTED AGENCY OF A SIGNATORY PARTY MAY REQUIRE; PROVIDED, HOWEVER, THAT THE BOARD SHALL NOT CONSTRUCT OR OPERATE TRANSIT OR RELATED FACILITIES UPON, OVER, OR ACROSS ANY PARKWAYS OR PARK LANDS WITHOUT THE CONSENT OF, AND EXCEPT UPON THE TERMS AND CONDITIONS REQUIRED BY, THE AGENCY HAVING JURISDICTION WITH RESPECT TO SUCH PARKWAYS AND PARK LANDS, BUT MAY CONSTRUCT OR OPERATE SUCH FACILITIES IN A SUEWAY UNDER SUCH PARKWAYS OR PARK LANDS UPON SUCH REASONABLE TERMS AND CONDITIONS AS MAY BE SPECIFIED BY THE AGENCY HAVING JURISDICTION WITH RESPECT THERETO.