

(1) in the annual budget;

(2) in [the] AN annual General Construction Loan Act OR IN A MARYLAND CONSOLIDATED CAPITAL BOND LOAN ACT; or

(3) as unspent proceeds of an enabling act allocated to the Fund by the Governor under § 8-129 of this article.

(c) An appropriation or allocation to the Fund may not be made if it would cause the total balance in the Fund to exceed [\$4,000,000] \$2,000,000.

(d) With the advice and assistance of the Departments of Budget and Fiscal Planning and General Services, the Fund shall be administered by the Board of Public Works.

(e) With the approval of the Governor, the Secretaries of Budget and Fiscal Planning and General Services may request the Board of Public Works to authorize an expenditure from the Fund to supplement any capital appropriation that:

(1) is for a capital project to be owned by the State or a unit of the State government;

(2) was contained in a capital appropriation of an annual budget, [or] in an annual general construction loan, OR IN AN ANNUAL MARYLAND CONSOLIDATED CAPITAL BOND LOAN; and

(3) is insufficient in amount to permit the initial award of a contract for the project to the bidder or offeror selected in accordance with applicable State law.

(f) The Secretaries of Budget and Fiscal Planning and General Services shall evaluate any project for additional funding and certify in writing that the project meets the criteria in subsection (e) of this section and that:

(1) [as determined by the bid or proposal, the requested additional funding does not exceed the lesser of 7 percent of the total project cost or \$1,000,000;

(2) all reasonable attempts to reduce the cost of the project have been made;

[(3)](2) no practicable alternative exists for securing funding to complete the project; and

[(4)](3) the requested additional funding does not increase the scope of the project.

(g) (1) PRIOR TO SEEKING APPROVAL FROM THE BOARD OF PUBLIC WORKS, THE DEPARTMENT OF GENERAL SERVICES AND THE DEPARTMENT OF BUDGET AND FISCAL PLANNING SHALL:

(I) PROVIDE WRITTEN NOTICE TO THE BUDGET COMMITTEES ON THE PLANNED USE OF THE FUNDS; AND

(II) ALLOW 45 DAYS FOR REVIEW AND COMMENT BY THE BUDGET COMMITTEES.