

CONTRACTS SHALL BE VERIFIED BY POST AUDIT [[BY THE USING AUTHORITY]] IF THE COMPENSATION IS OVER \$25,000.

(C) UPON REQUEST, STATE AUDITS OF ARCHITECTS AND ENGINEERS PROVIDING SERVICES SHALL BE MADE AVAILABLE TO PROCURING AUTHORITIES OF THE LOCAL SUBDIVISIONS AND MUNICIPAL CORPORATIONS[[.]], IF THE ARCHITECT OR ENGINEER IS BEING ACTIVELY CONSIDERED FOR PROVIDING SERVICES ON A SPECIFIC PROJECT.

[[231-W.]] 231-V. PROHIBITION AGAINST CONTINGENCY FEES.

[[EACH CONTRACT CONSULTANT AGREEMENT OR OTHER OBLIGATION [[ENTERED INTO BY A USING AUTHORITY TO PROCURE]] FOR ARCHITECTURAL OR ENGINEERING SERVICES IN EXCESS OF \$25,000 SHALL CONTAIN A PROHIBITION AGAINST CONTINGENT FEES AS FOLLOWS: "THE ARCHITECT OR ENGINEER (AS APPLICABLE) WARRANTS THAT HE HAS NOT EMPLOYED OR RETAINED ANY COMPANY OR PERSON, OTHER THAN A BONA FIDE EMPLOYEE WORKING SOLELY FOR THE ARCHITECT OR ENGINEER (AS APPLICABLE) TO SOLICIT OR SECURE THIS AGREEMENT, AND THAT HE HAS NOT PAID OR AGREED TO PAY ANY PERSON, COMPANY, CORPORATION, INDIVIDUAL OR FIRM, OTHER THAN A BONA FIDE EMPLOYEE WORKING SOLELY FOR THE ARCHITECT OR ENGINEER (AS APPLICABLE) ANY FEE, COMMISSSION, PERCENTAGE, GIFT, OR ANY OTHER CONSIDERATION CONTINGENT UPON OR RESULTING FROM THE AWARD OR MAKING OF THIS AGREEMENT."]]

(A) EACH CONTRACT ENTERED INTO BY THE AGENCY FOR PROFESSIONAL SERVICES SHALL CONTAIN A PROHIBITION AGAINST CONTINGENT FEES AS FOLLOWS: "THE ARCHITECT OR PROFESSIONAL ENGINEER (AS APPLICABLE) WARRANTS THAT HE HAS NOT EMPLOYED OR RETAINED ANY PERSON, PARTNERSHIP, OR CORPORATION, OTHER THAN A BONA FIDE EMPLOYEE OR AGENT WORKING FOR THE ARCHITECT OR PROFESSIONAL ENGINEER, TO SOLICIT OR SECURE THIS AGREEMENT, AND THAT HE HAS NOT PAID OR AGREED TO PAY ANY PERSON, PARTNERSHIP, OR CORPORATION, OTHER THAN A BONA FIDE EMPLOYEE OR AGENT, ANY FEE, OR ANY OTHER CONSIDERATION, CONTINGENT UPON THE MAKING OF THIS AGREEMENT." FOR THE BREACH OR VIOLATION OF THIS PROVISION, THE BOARD OF PUBLIC WORKS SHALL HAVE THE RIGHT TO TERMINATE THE AGREEMENT WITHOUT LIABILITY AND, AT ITS DISCRETION, TO DEDUCT FROM THE CONTRACT PRICE, OR OTHERWISE RECOVER, THE FULL AMOUNT OF SUCH FEE OR CONSIDERATION.

(B) ANY PERSON, PARTNERSHIP, OR CORPORATION, OTHER THAN A BONA FIDE EMPLOYEE OR AGENT, WHO OFFERS, AGREES, OR CONTRACTS TO SOLICIT OR SECURE AGENCY CONTRACTS FOR PROFESSIONAL SERVICES FOR ANY OTHER PERSON, PARTNERSHIP, OR CORPORATION, AND WHOSE FEE IS CONTINGENT UPON OR RESULTING FROM, THE MAKING OF A CONTRACT FOR PROFESSIONAL SERVICES, IS GUILTY OF A FELONY AND UPON CONVICTION IS