

A PERSON MAY NOT BE AWARDED UNDER THIS SUBTITLE ANY CONTRACT COSTING OVER \$25,000 UNLESS THE PERSON HAS EXECUTED A TRUTH-IN-NEGOTIATION CERTIFICATE STATING THAT WAGE RATES AND OTHER FACTUAL UNIT COSTS SUPPORTING THE COMPENSATION ARE ACCURATE, COMPLETE, AND CURRENT AS OF THE TIME OF CONTRACTING.

(B) PRICE ADJUSTMENTS.

(1) THE CERTIFICATE SHALL PROVIDE THAT THE ORIGINAL PRICE OF THE CONTRACT AND ANY ADDITIONS TO THE CONTRACT WILL BE ADJUSTED TO EXCLUDE ANY SIGNIFICANT SUMS IF THE BOARD DETERMINES THAT THE PRICE WAS INCREASED DUE TO INACCURATE, INCOMPLETE, OR NONCURRENT WAGE RATES OR OTHER FACTUAL UNIT COSTS.

(2) THE ADJUSTMENT TO THE CONTRACT SHALL BE MADE WITHIN 1 YEAR AFTER THE END OF THE CONTRACT.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 41, §231R.

In subsection (a) of this section, reference to a "person ... awarded ... any contract" is substituted for "supplier of ... services ... awarded a contract" for brevity and to conform to the language appearing elsewhere in this subtitle.

2-312. AFFIDAVIT OF NONCOLLUSION.

A PERSON MAY NOT BE AWARDED A CONTRACT UNLESS THE PERSON SUBMITS, WITH THE PRICE QUOTATION, AN AFFIDAVIT OF NONCOLLUSION.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 41, §231S.

In the context of this entire subtitle, it would appear that this section and those following were intended to apply - as is true of the preceding sections - only to contracts "costing over \$25,000". (see, e.g., this phrase is used in §2-311(a).) However, the wording of these sections--which is basically unchanged from that presently in Article 41--is not so clearly limited and, literally, seems to apply to all transportation agency contracts for architectural or engineering services, even those for \$25,000 and less. Since a change of this wording might result in a substantive change, none has been made by the Commission. However, further clarifying legislation would be appropriate.