

2-313. COST-PLUS-A-PERCENTAGE-OF-COST CONTRACTS.

(A) CONTRACTS PROHIBITED.

THE COST-PLUS-A-PERCENTAGE-OF-COST TYPE OF CONTRACT MAY NOT BE USED.

(B) CERTAIN FEE SCHEDULES PROHIBITED.

FEE SCHEDULES THAT ARE BASED ON A PERCENTAGE OF CONSTRUCTION COSTS OF CONTRACTS RESULTING FROM COMPLETED DESIGNS PREPARED BY ARCHITECTURAL OR ENGINEERING FIRMS MAY NOT BE USED.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 41, §231T.

In subsection (a) of this section, the present introductory phrase "in order to prevent increased cost ..." is deleted as unnecessary.

As to the uncertain scope of this section, see the discussion in the revisor's note to §2-312 of this subtitle.

2-314. CONTINGENT FEES PROHIBITED.

(A) CONTRACT TO CONTAIN SPECIFIED PROHIBITION.

EACH CONTRACT FOR ARCHITECTURAL OR ENGINEERING SERVICES SHALL CONTAIN A PROHIBITION AGAINST CONTINGENT FEES AS FOLLOWS: "THE ARCHITECT OR ENGINEER (AS APPLICABLE) WARRANTS THAT HE HAS NOT EMPLOYED OR RETAINED ANY PERSON, PARTNERSHIP, CORPORATION, OR OTHER ENTITY, OTHER THAN A BONA FIDE EMPLOYEE OR AGENT WORKING FOR THE ARCHITECT OR ENGINEER, TO SOLICIT OR SECURE THIS AGREEMENT, AND THAT HE HAS NOT PAID OR AGREED TO PAY ANY PERSON, PARTNERSHIP, CORPORATION, OR OTHER ENTITY, OTHER THAN A BONA FIDE EMPLOYEE OR AGENT, ANY FEE OR ANY OTHER CONSIDERATION CONTINGENT ON THE MAKING OF THIS AGREEMENT".

(B) CONTINGENT FEE PROHIBITED IN PROCURING A CONTRACT.

UNLESS HE IS A BONA FIDE EMPLOYEE OR AGENT WORKING FOR THE OTHER PERSON, A PERSON MAY NOT OFFER OR AGREE TO SOLICIT OR SECURE FOR ANY OTHER PERSON ANY CONTRACT FOR ARCHITECTURAL OR ENGINEERING SERVICES IF HIS FEE IS CONTINGENT ON OR RESULTS FROM THE MAKING OF A CONTRACT FOR THESE SERVICES.

(C) ARCHITECTS AND ENGINEERS PROHIBITED FROM OFFERING CONTINGENT FEE.

AN ARCHITECT, ENGINEER, OR CORPORATION OR PARTNERSHIP OF ARCHITECTS OR ENGINEERS MAY NOT OFFER TO