

As to the uncertain scope of this section, see the discussion in the revisor's note to §231Z of this subtitle.

Certain additional problems noted by the Commission are worthy of mention:

The contract provision quoted in and required by subsection (a) of this section appears to condone contingent payments to a "bona fide employee or agent"; on the other hand, the substantive provisions of subsection (c) prohibit all contingent payments, without excepting these employees and agents. First, wouldn't anybody being paid a fee be at least an "agent"; and what is meant by "bona fide"? Second, why are fees to these persons excepted from subsection (a) and not subsection (c)?

Subsection (c) of this section prohibits only architects, engineers, and their corporations and partnerships from offering a contingent fee. What about their agents and employees?

Clarifying legislation would be appropriate.

#### 231BB. AUDITS.

##### (A) RATES SUBJECT TO POST AUDIT.

(1) THE RATES OF ARCHITECTS AND ENGINEERS PERFORMING SERVICES FOR A USING AUTHORITY ARE SUBJECT TO POST AUDIT.

(2) IF THE COMPENSATION IS OVER \$25,000, ALL RATES USED IN COST-PLUS-FIXED-FEE CONTRACTS SHALL BE VERIFIED BY POST AUDIT.

##### (B) AUDITS AVAILABLE TO LOCAL SUBDIVISION.

ON REQUEST, ANY STATE AUDIT OF AN ARCHITECT OR ENGINEER PROVIDING SERVICES FOR A USING AUTHORITY SHALL BE MADE AVAILABLE TO THE PROCURING AUTHORITY OF ANY POLITICAL SUBDIVISION OF THIS STATE, IF THE PROCURING AUTHORITY IS CONSIDERING THE ARCHITECT OR ENGINEER FOR SERVICES ON A SPECIFIC PROJECT.

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

As to the uncertain scope of subsection (a) (1) of this section, see the discussion in the revisor's note to §231Z of this subtitle.

#### 231CC. TERMINATION OF CONTRACT.