

(B) THE FACT THAT A PERSON IS NOT PREQUALIFIED SHALL NOT BAR HIM FROM SUBMITTING A BID OR OFFER.

3-403.

(A) EACH CONTRACTOR SHALL SUBMIT COST OR PRICE INFORMATION AND SHALL CERTIFY THAT, TO THE BEST OF HIS KNOWLEDGE, THE INFORMATION SUBMITTED IS ACCURATE, COMPLETE, AND CURRENT AS OF A MUTUALLY DETERMINED SPECIFIED DATE PRIOR TO THE DATE THE PRICE OF ANY:

(1) NEGOTIATED CONTRACT IS DETERMINED, IF THE TOTAL CONTRACT PRICE IS EXPECTED TO EXCEED \$100,000, OR A SMALLER AMOUNT SET BY THE PROCUREMENT OFFICER; OR

(2) CHANGE ORDER OR CONTRACT MODIFICATION IS DETERMINED WHICH IS EXPECTED TO EXCEED \$100,000, OR A SMALLER AMOUNT SET BY THE PROCUREMENT OFFICER.

(B) EVERY CONTRACT, CHANGE ORDER, OR MODIFICATION UNDER WHICH A COST AND PRICE CERTIFICATE IS REQUIRED SHALL CONTAIN A PROVISION THAT THE PRICE, INCLUDING PROFIT OR FEE, SHALL BE ADJUSTED TO EXCLUDE ANY SIGNIFICANT PRICE INCREASES OCCURRING BECAUSE THE CONTRACTOR FURNISHED COST OR PRICE INFORMATION WHICH, AS OF THE DATE AGREED UPON BETWEEN THE PARTIES, WAS INACCURATE, INCOMPLETE, OR NOT CURRENT.

(C) THIS SECTION NEED NOT BE APPLIED TO CONTRACTS FOR WHICH THE PRICE NEGOTIATED IS BASED ON ADEQUATE PRICE COMPETITION, ESTABLISHED CATALOG OR MARKET PRICES OF COMMERCIAL ITEMS SOLD IN SUBSTANTIAL QUANTITIES TO THE GENERAL PUBLIC, OR PRICES SET BY LAW OR REGULATION.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 231-IB of Article 41 - Governor - Executive and Administrative Departments, of the Annotated Code of Maryland be and it is hereby transferred, with amendments, to be Section(s) 3-404 of the new Article 21 - Procurement, of the Annotated Code of Maryland, to read as follows:

#### ARTICLE 21 - PROCUREMENT

[231-IB.] 3-404.

(a) The Secretary of General Services shall establish and maintain a monthly list of all persons found in contempt of court by a federal court of appeals for failure to correct an unfair labor practice prohibited by the National Labor Relations Act (29 U.S.C. § 158, 49 Stat. 452). This list shall contain the names of those persons found to have engaged in these practices during the 2-year period before the date of the list.

(b) A [public works, service, or supply] contract or subcontract may not be awarded to any [supplier] PERSON or