

[(a)] Unless otherwise specifically provided by the laws of Maryland, the State of Maryland and every officer, department, agency, board, commission, or other unit of State government may not raise the defense of sovereign immunity in the courts of this State in an action in contract based upon a written contract executed on behalf of the State, or its department, agency, board, commission, or unit by an official or employee acting within the scope of his authority

7-102.

[(b)] In any such action, the State, or its officer, department, agency, board, commission, or other unit of government is not liable for punitive damages.

7-103.

[(c)] A claim is barred unless the claimant files suit within [one] 1 year from the date on which the claim arose or within [one] 1 year after completion of the contract giving rise to the claim, whichever is later.

7-104.

[(d)] In order to provide for the implementation of this section, the Governor annually shall provide in the State budget adequate funds for the satisfaction of any final judgment, after the exhaustion of any right of appeal, which has been rendered against the State, or any officer, department, agency, board, commission, or other unit of government in an action in contract as provided in this section.

SECTION 9. AND BE IT FURTHER ENACTED, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

ARTICLE 21 - PROCUREMENT

SUBTITLE 2 RESOLUTION OF CONTROVERSIES OVER CONTRACTS

7-201.

(A) UPON TIMELY DEMAND, AS DEFINED IN REGULATIONS PROMULGATED BY THE DEPARTMENT, BY A PROSPECTIVE BIDDER OR OFFEROR, BIDDER OR OFFEROR, OR CONTRACTOR, THE RESPONSIBLE PROCUREMENT OFFICER OF THE USING AGENCY MAY, CONSISTENT WITH THE BUDGET AND ALL APPLICABLE LAWS AND REGULATIONS, NEGOTIATE AND RESOLVE DISPUTES RELATING TO THE FORMATION OF A CONTRACT WITH THE STATE OR A CONTRACT WHICH HAS BEEN ENTERED INTO BY THE STATE. DISPUTES RELATING TO THE FORMATION OF A CONTRACT INCLUDE BUT ARE NOT LIMITED TO THOSE CONCERNING THE QUALIFICATION OF BIDDERS OR OFFERORS AND THE DETERMINATION OF THE SUCCESSFUL BIDDER OR OFFEROR. DISPUTES