

[13-602.

(a) The Department shall specify clauses, to be included in all construction contracts concerning:

(1) Termination for the convenience of the State or for default;

(2) Liquidated damages if appropriate, as specified in the contract schedule;

(3) Excuses for nonperformance; and

(4) Adjustments to contract terms and conditions if:

(i) A change order is issued by the procurement officer;

(ii) A site condition is different from that indicated in the specifications;

(iii) The quantities vary from the estimated quantities in a contract providing for estimated quantities; or

(iv) Work is suspended.

(b) The Department shall adopt regulations whereby every contract modification, change order, or adjustment in contract price is subject to prior written approval by the responsible manager in the using agency and certification by the appropriate fiscal authority as to the availability of funds and to the effect of the modification, change, or adjustment on the project budget or the total construction cost. If the certification discloses a resulting increase in the project budget or total construction cost, the procurement officer may not execute or make the modification, change, or adjustment unless sufficient funds are available, or the scope of the project is adjusted to permit its completion within the project budget.]

11-123. OTHER CONTRACT CLAUSES.

(A) EVERY CONTRACT SHALL INCLUDE A CLAUSE NOTIFYING THE PARTIES THAT PREEXISTING REGULATIONS SHALL APPLY IN ACCORDANCE WITH THE PROVISIONS OF § 11-108 OF THIS SUBTITLE.

(B) THE PARTIES TO A CONTRACT MAY CONSENT TO THE INCLUSION OF ADDITIONAL CLAUSES IN THE CONTRACT AT ANY TIME AFTER THE CONTRACT HAS BEEN MADE WITHOUT THE NECESSITY OF CONSIDERATION PASSING TO EITHER PARTY.

[Subtitle 7.] PART VIII. Types of Contracts.

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