

(1) [That] THAT THE STATE'S estimated requirements cover the period of the contract and are reasonably firm and continuing; and

(2) [That] THAT the contract will serve the STATE'S best interests [of the State] by encouraging effective competition or otherwise promoting economies in State procurement.

[(b) Payment and performance of contractual obligations entered pursuant to subsection (a) of this section for a fiscal year other than the fiscal year in which the contract was approved are subject to the appropriation of funds for the payment and performance of these obligations.]

[(c)] (B) [If funds are not appropriated for the continued performance of a contract approved under subsection (a) of this section, the contract for that year is terminated either automatically or in accordance with the termination clause of the contract, if any. Unless otherwise provided for in the contract, the] IF FUNDS SUFFICIENT FOR THE CONTINUED PERFORMANCE OF A MULTIYEAR CONTRACT ARE NOT APPROPRIATED FOR ANY FISCAL YEAR, THE CONTRACT SHALL BE TERMINATED AUTOMATICALLY AT THE END OF THE FISCAL YEAR FOR WHICH FUNDS LAST WERE APPROPRIATED UNLESS AN EARLIER DATE IS PROVIDED IN THE TERMINATION CLAUSE OF THE CONTRACT. THE effect of termination is to discharge both parties from future performance of the contract, but not from their existing obligations. The contractor shall be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the supplies or services delivered under the contract. The cost of cancellation may be paid from any appropriations available for such purposes.

[(d) All contracts entered into under this this Divisin II of this article shall contain a notice that they are subject to termination, either automatically or in accordance with a termination clause, if any, upon the failure of the General Assembly to appropriate funds for the future performance of the contract.]

[Subtitle 8.] PART IX. Inspection of Plant and Audit of Records.

[13-801.] 11-130. INSPECTION OF PLANT AND AUDIT OF RECORDS.

(a) [A] THE PROCUREMENT AGENCY, THE DEPARTMENT OF FISCAL SERVICES, OR, AS AUTHORIZED BY LAW, ANY OTHER State agency [or the Department of Fiscal Services,] may inspect at reasonable times the plant, place of business, or job site of [any contractor or any subcontractor under any contract awarded or to be awarded by the State.]:

(1) ANY CONTRACTOR;

(2) A BIDDER OR OFFEROR CONTRACTOR SEEKING A CONTRACT;