

[19-113.] 11-161. COST-PLUS-A-PERCENTAGE-OF-COST CONTRACTS.

(a) The cost-plus-a-percentage-of-cost type of contract may not be used.

(b) Fee schedules that are based on a percentage of construction costs of contracts resulting from completed designs prepared by architectural or engineering firms may not be used.

[19-114.] 11-162. CONTINGENT FEES PROHIBITED.

(a) Each contract for architectural SERVICES or engineering services shall contain a prohibition against contingent fees as follows: "The architect or engineer, ~~AS APPLICABLE~~, [as applicable] warrants that [he] THE ARCHITECT OR ENGINEER has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for the architect or engineer, to solicit or secure this agreement, and that [he] THE ARCHITECT OR ENGINEER has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee or agent, any fee or any other consideration contingent on the making of this agreement."

(b) Unless [he] A PERSON is a bona fide employee or agent working for the other person, a person may not offer or agree to solicit or secure for any other person any contract for architectural SERVICES or engineering services if [his] THE PERSON'S fee is contingent on or results from the making of a contract for these services.

(c) An architect, engineer, or corporation or partnership of architects or engineers may not offer to pay any fee or other consideration that is contingent on the making of a contract for architectural SERVICES or engineering services.

(d) An employee of a transportation agency may not solicit or secure or offer to solicit or secure a contract for architectural SERVICES or engineering services for which the employee is paid or is to be paid any fee or other consideration contingent on the making of the contract between the transportation agency and any other person.

[19-115.] 11-163. AUDITS.

(a) (1) The rates of architects and engineers performing services for a transportation agency 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) On request, any State audit of an architect or engineer providing services for a transportation agency shall be made available to the procuring authority of any political subdivision