

In subsection (c)(2)(i) and (3)(ii) of this section, the former references to making determinations "in writing" are deleted as unnecessary in light of the substantive requirement, in § 11-207(1) of this title, that determinations be in writing.

Defined terms: "Board" § 11-101  
 "Procurement" § 11-101  
 "Procurement contract" § 11-101 "Unit" § 11-101

#### 11-205. COLLUSION.

##### (A) SCOPE OF SECTION.

THIS SECTION IS BROADLY APPLICABLE TO ALL PROCUREMENTS BY THE STATE.

##### (B) LIABILITY FOR DAMAGES.

A PERSON WHO, FOR THE PURPOSE OF DEFRAUDING THE STATE, ACTS IN COLLUSION WITH ANOTHER PERSON IN CONNECTION WITH THE PROCUREMENT PROCESS IS LIABLE FOR DAMAGES EQUAL TO 3 TIMES THE VALUE OF THE LOSS TO THE STATE THAT IS ATTRIBUTABLE TO THE COLLUSION.

##### (C) ENFORCEMENT BY ATTORNEY GENERAL.

(1) A PROCUREMENT OFFICER WHO HAS REASON TO BELIEVE THAT COLLUSION HAS OCCURRED IN CONNECTION WITH THE PROCUREMENT PROCESS SHALL SEND TO THE OFFICE OF THE ATTORNEY GENERAL WRITTEN NOTICE THAT STATES THE BELIEF AND ITS BASIS.

(2) THE ATTORNEY GENERAL MAY BEGIN AN ACTION IN THE APPROPRIATE COURT FOR DAMAGES UNDER SUBSECTION (B) OF THIS SECTION.

##### (D) RETENTION OF DOCUMENTS.

(1) IF THERE IS REASON TO BELIEVE THAT COLLUSION HAS OCCURRED IN CONNECTION WITH THE PROCUREMENT PROCESS, ALL RELEVANT DOCUMENTS SHALL BE KEPT UNTIL THE ATTORNEY GENERAL GIVES NOTICE THAT THEY MAY BE DESTROYED.

(2) ON REQUEST BY THE OFFICE OF THE ATTORNEY GENERAL, RELEVANT DOCUMENTS SHALL BE MADE AVAILABLE IMMEDIATELY.

REVISOR'S NOTE: This section formerly appeared as SF §§ 11-201(a) and 11-210.

The references to the "Office of the Attorney General" are substituted for the former obsolete references to