

CONDITION OF A SITE DIFFERS FROM THE CONDITION DESCRIBED IN THE SPECIFICATIONS.

(C) NOTICE OF PREEXISTING REGULATIONS.

EACH PROCUREMENT CONTRACT SHALL INCLUDE A CLAUSE THAT GIVES TO THE PARTIES NOTICE THAT PREEXISTING REGULATIONS APPLY TO THE PROCUREMENT CONTRACT IN ACCORDANCE WITH § 11-206 OF THIS ARTICLE.

(D) ADDITIONAL CLAUSES BY CONSENT.

AT ANY TIME AFTER THE PARTIES ENTER INTO A PROCUREMENT CONTRACT THEY MAY INCLUDE ADDITIONAL CLAUSES IN THE PROCUREMENT CONTRACT, BY CONSENT, WITHOUT CONSIDERATION.

(E) MODIFICATIONS AND CHANGE ORDERS AFFECTING PRICE.

A CLAUSE REQUIRED UNDER THIS SECTION FOR CONTRACT MODIFICATION OF OR CHANGE ORDERS TO A PROCUREMENT CONTRACT FOR CONSTRUCTION SHALL:

(1) MAKE EACH CONTRACT MODIFICATION OR CHANGE ORDER THAT AFFECTS THE PRICE OF THE PROCUREMENT CONTRACT SUBJECT TO:

(I) PRIOR WRITTEN APPROVAL FROM THE UNIT AND ANY OTHER PERSON RESPONSIBLE FOR THE PROCUREMENT CONTRACT; AND

(II) PRIOR CERTIFICATION BY THE FISCAL AUTHORITY RESPONSIBLE FOR THE UNIT ABOUT:

1. THE AVAILABILITY OF MONEY; AND

2. THE EFFECT OF THE CONTRACT MODIFICATION OR CHANGE ORDER ON THE PROJECT BUDGET OR THE TOTAL CONSTRUCTION COST; AND

(2) PROHIBIT THE CONTRACT MODIFICATION OR CHANGE ORDER IF THE CERTIFICATION BY THE FISCAL AUTHORITY DISCLOSES THAT THE CONTRACT MODIFICATION OR CHANGE ORDER WILL INCREASE THE COST BEYOND BUDGETED AND AVAILABLE MONEY, UNLESS:

(I) SUFFICIENT ADDITIONAL MONEY IS MADE AVAILABLE; OR

(II) THE SCOPE OF THE PROJECT IS ADJUSTED TO ALLOW COMPLETION WITHIN THE PROJECT BUDGET.

REVISOR'S NOTE: This section is new language derived without substantive change from former SF §§ 11-122 and 11-123.

In subsection (a)(2) of this section, the words "head of the primary procurement unit" are substituted for