

13-319. CONTINGENT FEES PROHIBITED.

(A) REQUIRED CONTRACT CLAUSES.

EACH PROCUREMENT CONTRACT AWARDED UNDER THIS SUBTITLE SHALL INCLUDE THE FOLLOWING CLAUSES:

(1) "THE CONTRACTOR HAS NOT EMPLOYED OR RETAINED ANY CORPORATION, PARTNERSHIP, OR OTHER PERSON TO SOLICIT OR SECURE THIS PROCUREMENT CONTRACT, OTHER THAN A REGULAR EMPLOYEE OR AGENT OF THE CONTRACTOR."; AND

(2) "THE CONTRACTOR HAS NOT PAID OR AGREED TO PAY ANY CORPORATION, PARTNERSHIP, OR OTHER PERSON A FEE OR OTHER CONSIDERATION CONTINGENT ON THE AWARD OF THIS PROCUREMENT CONTRACT, OTHER THAN THE WAGES OF A REGULAR EMPLOYEE OR AGENT OF THE CONTRACTOR."

(B) CONTINGENT FEES FOR SOLICITING OR SECURING CONTRACT.

(1) UNLESS A PERSON IS A REGULAR EMPLOYEE OR AGENT OF THE CONTRACTOR, THE PERSON MAY NOT OFFER OR AGREE TO SOLICIT OR SECURE A PROCUREMENT CONTRACT UNDER THIS SUBTITLE IF THE PERSON'S FEE IS CONTINGENT ON, OR RESULTS FROM, THE MAKING OF THE PROCUREMENT CONTRACT.

(2) A PERSON WHO PROVIDES ARCHITECTURAL SERVICES OR ENGINEERING SERVICES MAY NOT OFFER TO PAY A FEE OR OTHER CONSIDERATION THAT IS CONTINGENT ON THE MAKING OF A PROCUREMENT CONTRACT UNDER THIS SUBTITLE.

(3) AN EMPLOYEE OF A UNIT MAY NOT SOLICIT OR SECURE OR OFFER TO SOLICIT OR SECURE A PROCUREMENT CONTRACT UNDER THIS SUBTITLE BETWEEN THE UNIT AND ANY OTHER PERSON FOR WHICH THE EMPLOYEE IS PAID OR IS TO BE PAID A FEE OR OTHER CONSIDERATION THAT IS CONTINGENT ON THE MAKING OF THE PROCUREMENT CONTRACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former SF §§ 11-162 and 11-180.

In subsections (a) and (b)(1) of this section, the word "regular" is substituted for the words "bona fide", which formerly modified "employee or agent", for clarity.

In subsection (a)(1) and (2) of this section, the references to a "corporation, partnership, or other person" is substituted for the former references to "any person, partnership, corporation, or other entity" to conform, more closely, to the definitions of "person" in this Division II. However, since the clauses required in subsection (a)(1) and (2) of this