

(ii) services for port related activities, including information processing services, but excluding banking and financial services under the authority of the State Treasurer under item (1) of this [section] SUBSECTION;

DRAFTER'S NOTE:

Error: Erroneous internal references in § 12-107(b)(5)(ii) and (6)(ii) of the State Finance and Procurement Article.

Occurred: Chs. 48 and 541, Acts of 1988.

12-108.

(b) Subject to the approval of the Board and under the coordination of the Governor, each of the primary procurement units shall:

(1) adopt regulations to carry out this Division II;

(2) send to the Board a copy of each proposed regulation under item (1) of this [section] SUBSECTION; and

(3) send to the Board a copy of each internal operating procedure that the primary procurement unit adopts.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 12-108(b)(2) of the State Finance and Procurement Article.

Occurred: Ch. 48, Acts of 1988.

12-301.

(b) (3) (I) Before approval of an energy performance contract, the Board shall ensure that the projected annual energy savings attributable to the project will exceed the projected annual payments to the contractor under the contract.

[(i)] (II) The Board may:

1. authorize the use of incentive contracts, including contracts that guarantee energy savings performance; and

2. require prospective contractors to furnish appropriate guarantees to ensure that projected savings are realized.

[(ii)](III) Any guarantees required under subparagraph [(i)] (II) of this paragraph may include a requirement that the contractor furnish a bond or other assurance to the State in an appropriate amount to guarantee projected performance and that the bond or other assurance be structured so that a failure to meet guaranteed performance savings will forfeit a portion of the bond or other assurance to match the shortfall in energy savings.

DRAFTER'S NOTE: