

\$10,000 SHALL BE AWARDED ON A COMPETITIVE BASIS. HOWEVER, THE BOARD OF PUBLIC WORKS MAY NEGOTIATE AND AWARD APPROVE THE AWARD OF SUCH CONTRACTS TO OTHER THAN THE LOWEST BIDDER IF THE BOARD DETERMINES THAT TO BE IN THE BEST INTEREST OF THE STATE.

(2) In any acquisition of property from private owners, the Board of Public Works [shall] prior to [such] THE acquisition SHALL obtain two independent appraisals of [said] THE property.

(3) (I) A NEGOTIATED OR CHANGE ORDER CONTRACT FOR CONSTRUCTION IN EXCESS OF \$100,000 MAY NOT BE AWARDED UNLESS THE CONTRACTOR FIRST EXECUTES A TRUTH-IN-NEGOTIATION CERTIFICATE STATING THAT WAGE RATES, AND OTHER FACTUAL UNIT COSTS SUPPORTING THE COMPENSATION ARE ACCURATE, COMPLETE, AND CURRENT AT THE TIME OF CONTRACTING.

(II) THE CERTIFICATION SHALL CONTAIN A PROVISION THAT THE ORIGINAL PRICE OF THE CONTRACT AND ANY ADDITIONS TO IT, INCLUDING PROFITS OR A FEE, SHALL BE ADJUSTED TO EXCLUDE ANY SUMS WHERE THE BOARD DETERMINES THE PRICE WAS INCREASED IN THOSE SUMS DUE TO INACCURATE, INCOMPLETE, OR NONCURRENT WAGE RATES AND OTHER FACTUAL UNIT COSTS.

(III) ADJUSTMENTS TO THE CONTRACT SHALL BE MADE WITHIN ONE YEAR OF THE COMPLETION OF THE PERFORMANCE OF THE CONTRACT.

(IV) ANY PERSON WHO INTENTIONALLY VIOLATES THE PROVISIONS OF THIS PARAGRAPH IS GUILTY OF A FELONY AND UPON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000, OR IMPRISONMENT NOT EXCEEDING FIVE YEARS, OR BOTH.

(4) A COST-PLUS-A-PERCENTAGE-OF-COST TYPE OF CONTRACT IS PROHIBITED. A FIRM MAY NOT ALLOW INCREASED COSTS TO ACCRUE TO OBTAIN THIS TYPE OF CONTRACT. THE PROVISIONS OF THIS PARAGRAPH DO NOT APPLY TO CHANGES, ADDITIONS, OR MODIFICATIONS WHICH MAY BE REQUIRED DURING THE PERFORMANCE OF THE CONTRACT.

(5) (I) EACH CONTRACT ENTERED INTO BY THE STATE FOR CONSTRUCTION SHALL CONTAIN A PROHIBITION AGAINST CONTINGENT FEES. FOR THE BREACH OR VIOLATION OF THIS PROVISION THE BOARD OF PUBLIC WORKS MAY TERMINATE THE AGREEMENT WITHOUT LIABILITY AND MAY DEDUCT FROM THE CONTRACT PRICE, OR OTHERWISE RECOVER, THE FULL AMOUNT OF THE FEE OR CONSIDERATION.

(II) ANY PERSON, PARTNERSHIP, OR CORPORATION, OTHER THAN A BONA FIDE EMPLOYEE OR AGENT, WHO OFFERS, AGREES, OR CONTRACTS TO SOLICIT OR SECURE STATE CONTRACTS FOR CONSTRUCTION, FOR ANY OTHER PERSON, PARTNERSHIP, OR CORPORATION, AND WHOSE FEE IS CONTINGENT UPON OR RESULTING FROM THE MAKING OF A CONTRACT FOR PROFESSIONAL