

PRODUCTS OF FOREIGN ORIGIN (INCLUDING ANY APPLICABLE DUTY);  
TITLES

(2) A DIFFERENTIAL OF 20 PERCENT OF THE BID OR OFFERED PRICE OF THE STEEL PRODUCTS OF FOREIGN ORIGIN. HOWEVER, IF THE STEEL PRODUCTS ARE PRODUCED IN A "SUBSTANTIAL LABOR SURPLUS AREA" AS DEFINED BY THE UNITED STATES DEPARTMENT OF LABOR, THE DIFFERENTIAL APPLIED UNDER THIS PARAGRAPH SHALL BE 30 PERCENT.

70.

A PUBLIC AGENCY MAY NOT AUTHORIZE OR MAKE ANY PAYMENTS TO A PERSON UNDER A CONTRACT CONTAINING A PROVISION REQUIRED BY § 69 OF THIS SUBTITLE UNLESS THE PUBLIC AGENCY IS SATISFIED THAT THE PERSON HAS FULLY COMPLIED WITH THE PROVISION. PAYMENTS MADE TO A PERSON BY A PUBLIC AGENCY WHICH SHOULD NOT HAVE BEEN MADE AS A RESULT OF THIS SECTION SHALL BE RECOVERABLE TO THE FULL EXTENT OF THE CONTRACT BY THE ATTORNEY GENERAL DIRECTLY FROM THE CONTRACTOR OR SUBCONTRACTOR PERSON WHO DID NOT COMPLY WITH § 69 UPON A SUIT FILED IN THE CIRCUIT COURT OF THE COUNTY OR BALTIMORE CITY COURT WITH LAW AND EQUITY JURISDICTION IN WHICH THE CONTRACT WAS EXECUTED OR PERFORMED.

71.

THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY WHERE THEY ARE IN CONFLICT WITH ANY FEDERAL GRANT OR REGULATION AFFECTING THE CONTRACT OR THE HEAD OF THE PUBLIC AGENCY DETERMINES, IN WRITING, THAT:

(1) THE COST IS DETERMINED TO BE UNREASONABLE (AS PROVIDED IN § 69);

(2) STEEL PRODUCTS ARE NOT PRODUCED IN THE UNITED STATES IN SUFFICIENT QUANTITIES TO MEET THE REQUIREMENTS OF THE CONTRACT; OR

(3) PURCHASE OF STEEL PRODUCTS, AS DEFINED, WOULD BE INCONSISTENT WITH THE PUBLIC INTEREST.

72.

THIS ACT MAY BE CITED AS THE "BUY AMERICAN STEEL" ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is designed to promote the general welfare of the people of this State and is supplemental to all laws concerning public works and shall be liberally construed to fully effectuate its purposes. The principles of law and equity, including the Uniform Commercial Code, the law merchant, and the law relative to capacity to contract, principal and agent, fraud, misrepresentation, duress, coercion, mistake, or bankruptcy shall supplement its provisions.