

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

13-218.

(a) Each procurement contract shall include clauses covering:

- (1) termination for default;
- (2) termination wholly or partly by the State for its convenience if the head of the primary procurement unit determines that termination is appropriate;
- (3) variations that occur between estimated and actual quantities of work in a procurement contract;
- (4) liquidated damages, as appropriate;
- (5) specified excuses for nonperformance; and
- (6) except for real property leases, the unilateral right of the State to order in writing:
 - (i) changes in the work, if the changes are within the scope of the procurement contract; and
 - (ii) a temporary stop or delay in performance.

(b) In addition to the clauses required under subsection (a) of this section, a procurement contract for construction shall include:

(1) a clause providing for contract modification if the condition of a site differs from the condition described in the specifications; AND

(2) A CLAUSE COVERING THE REQUIREMENTS FOR NOTICE OF CONTRACT CLAIMS, SUBMISSION OF CONTRACT CLAIMS, AND RESOLUTION OF CONTRACT CLAIMS UNDER § 15-219 OF THIS ARTICLE.

(c) 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) 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) 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