

Article - State Finance and Procurement

§13–223.

(a) Each procurement contract shall include the following clause:

“The contractor, architect, or engineer warrants that it has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency working for the contractor, architect, or engineer, to solicit or secure this agreement, and that it has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide salesperson, or commercial selling agency, any fee or other consideration contingent on the making of this agreement.”

(b) (1) (i) Except as provided in subparagraph (ii) of this paragraph, unless a person is a bona fide employee, bona fide salesperson, or commercial selling agency working for 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.

(ii) A regulated lobbyist, who is described in § 5–702(a)(1), (2), or (3) of the General Provisions Article, may not offer or agree to solicit or secure a procurement contract under this subtitle if the lobbyist’s fee is contingent on, or results from, the making of the procurement contract.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a contractor or a person who provides architectural 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 article.

(ii) This paragraph does not apply to a payment to a bona fide employee, bona fide salesperson, or commercial selling agency working for the contractor or person providing architectural or engineering services.

(3) An employee of a unit may not solicit or secure or offer to solicit or secure a procurement contract under this article 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.