

SB0826/714439/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 826
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “order;” insert “providing that certain acceptance letters for certain procurement contracts for construction have the same force and effect as change orders for certain purposes until certain units issue written change orders;”; strike beginning with “prime” in line 8 down through “refuse” in line 9 and substitute “refusal”; in line 11, after “officer;” insert “prohibiting a change order from being required, under certain circumstances, for work to continue and be completed beyond certain quantities; requiring a certain unit to make a certain determination and issue a certain change order after certain work is completed;”; and in line 20, after “law” insert “or regulation”.

AMENDMENT NO. 2

On page 6, in line 21, after “(1)” insert “(I)”; in the same line, strike “PARAGRAPH (2) OF THIS SUBSECTION” and substitute “SUBPARAGRAPH (II) OF THIS PARAGRAPH”; in line 23, strike “(2)” and substitute “(II)”; after line 25, insert:

“(2) FOR PURPOSES OF THIS SECTION, A WRITTEN ACCEPTANCE LETTER FOR A STATE HIGHWAY ADMINISTRATION OR MARYLAND AVIATION ADMINISTRATION PROCUREMENT CONTRACT FOR CONSTRUCTION SHALL HAVE THE SAME FORCE AND EFFECT AS A CHANGE ORDER UNTIL THE STATE HIGHWAY ADMINISTRATION OR MARYLAND AVIATION ADMINISTRATION ISSUES A WRITTEN CHANGE ORDER.”;

in line 26, strike “PARAGRAPH (2)” and substitute “PARAGRAPHS (2) AND (3)”; strike beginning with “ON” in line 30 down through “BASIS” in line 32 and substitute a comma; and in line 32, after “CONTRACT” insert “, ON:”

(Over)

(I) AN AGREED-TO PRICE WHICH MAY INCLUDE A PRE-ESTABLISHED CATALOG OR UNIT PRICES BASED ON LOCAL PREVAILING WAGE RATES AND EQUIPMENT AND MATERIAL COSTS FOR EACH TASK REQUIRED FOR THE CHANGE ORDER AS INCLUDED IN THE BID DOCUMENTS AT THE TIME OF BID;

(II) A FORCE ACCOUNT;

(III) A CONSTRUCTION CHANGE DIRECTIVE; OR

(IV) A TIME AND MATERIALS BASIS”.

On page 7, in line 8, strike “PRIME CONTRACTOR TO REFUSE” and substitute “REFUSAL”; and after line 20, insert:

“(3) (I) IF A UNIT IS TO PAY FOR A CONTRACT OR A PART OF A CONTRACT USING A UNIT PRICE METHODOLOGY, A CHANGE ORDER MAY NOT BE REQUIRED FOR WORK TO CONTINUE AND BE COMPLETED BEYOND THE ESTIMATED QUANTITIES IN THE CONTRACT.

(II) AFTER WORK IS COMPLETED, A UNIT SHALL:

1. DETERMINE THE ACTUAL QUANTITY USED TO COMPLETE THE CONTRACT; AND

2. IF NECESSARY, ISSUE A FINAL ADJUSTMENT CHANGE ORDER TO THE CONTRACTOR.”.

AMENDMENT NO. 3

On page 8, in line 5, after “LAW” insert “OR REGULATION”; and in line 22, strike “of Metro Washington”.