

SB0773/643429/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 773
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring,” in line 10 down through “damages;” in line 15 and substitute “requiring a unit that decides not to include in a contract a liquidated damages clause under certain circumstances to maintain certain documentation; requiring, for certain procurements, a unit to maintain certain documentation if the unit decides not to pursue certain liquidated damages;”.

AMENDMENT NO. 2

On pages 7 and 8, strike in their entirety the lines beginning with line 1 on page 7 through line 18 on page 8, inclusive, and substitute:

“(D) IF A UNIT DECIDES NOT TO INCLUDE IN A CONTRACT A LIQUIDATED DAMAGES CLAUSE SPECIFIED UNDER § 13-218(A)(4) OF THIS ARTICLE, THE UNIT SHALL MAINTAIN DOCUMENTATION OF THE INDIVIDUAL WHO APPROVED THE DECISION NOT TO INCLUDE THE LIQUIDATED DAMAGES CLAUSE.

(E) (1) THIS SUBSECTION APPLIES ONLY TO PROCUREMENTS VALUED AT \$5,000,000 OR MORE.

(2) IF A UNIT DECIDES NOT TO PURSUE LIQUIDATED DAMAGES WHEN A SPECIFIED BREACH ASSOCIATED WITH A LIQUIDATED DAMAGES PROVISION HAS OCCURRED, THE UNIT SHALL MAINTAIN DOCUMENTATION ON:

(I) THE REASON THE UNIT DECIDED NOT TO PURSUE LIQUIDATED DAMAGES; AND

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**(II) THE INDIVIDUAL WHO APPROVED THE DECISION NOT TO
PURSUE LIQUIDATED DAMAGES.**