

HB0403/546189/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 403

(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 24, after “(1)” insert “(I)”; in the same line, strike “PARAGRAPH (2) OF THIS SUBSECTION” and substitute “SUBPARAGRAPH (II) OF THIS PARAGRAPH”; in line 26, strike “(2)” and substitute “(II)”; after line 28, 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.”;

and in line 29, strike “PARAGRAPH (2)” and substitute “PARAGRAPHS (2) AND (3)”.

AMENDMENT NO. 3

(Over)

**HB0403/546189/1 Health and Government Operations Committee
Amendments to HB 403
Page 2 of 3**

On page 7, strike beginning with “ON” in line 1 down through “BASIS” in line 3 and substitute a comma; in line 3, after “CONTRACT” insert “,ON”;

(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”;

in line 11, strike “PRIME CONTRACTOR TO REFUSE” and substitute “REFUSAL”; and after line 23, 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.”.

HB0403/546189/1 Health and Government Operations Committee
Amendments to HB 403
Page 3 of 3

AMENDMENT NO. 4

On page 8, in line 7, after “LAW” insert “OR REGULATION”; and in line 24, strike “of Metro Washington”.