

Kansas Administrative Regulations

Kansas Department of Transportation

Article 40.—Transportation Revolving Fund

36-40-5. Financial assistance agreement requirements.

Each financial assistance agreement entered into pursuant to the act shall meet the following requirements: (a) The financial assistance shall not exceed the total cost of the approved project.

(b) The term of any financial assistance shall not exceed the design life of the approved project or 20 years, whichever is less.

(c) If any debt service is required, it shall be guaranteed by the applicant in a manner consistent with the applicant's approved application.

(d) The financial assistance agreement shall contain the following sentences:

(1) "All work performed and all materials furnished for the approved project shall be in reasonably close conformity with the plans, specifications, and revisions, which have been approved by the designer of the approved project."

(2) "Technical advice or assistance, or both, provided by the secretary to an applicant pursuant to K.S.A. 75-5068(c), and amendments thereto, shall not be construed as an undertaking by the secretary of the duties of the applicant or the approved project's owner, or both, or the duties of any consultant, licensed professional engineer, or inspector hired by the applicant or the approved project's owner."

(Authorized by K.S.A. 2002 Supp. 75-5065; implementing K.S.A. 2002 Supp. 75-5068; effective Oct. 31, 2003.)

***** Authenticated Kansas Administrative Regulation *****