

Kansas Administrative Regulations

Kansas Department of Transportation

Article 31.—Debarment and Suspension of Contractors

36-31-3. Suspension.

(a) Cause. The secretary may impose suspension on a contractor when:

(1) adequate evidence exists so as to raise a reasonable suspicion that any of the causes set forth in K.A.R. 36-31-2(a) are present; and

(2) the decision of the secretary is in the best interest of the state.

(b) Procedures.

(1) The secretary may, upon determining from reports, investigations, or other documents that cause exists under K.A.R. 36-31-3(a) to suspend a contractor, impose suspension upon the contractor and any named affiliates. The secretary shall furnish written notice to the contractor and any named affiliates at least five days before the effective date of suspension. The notice shall state:

(A) that a suspension has been imposed;

(B) the effective date of the suspension;

(C) the facts giving rise to the suspension;

(D) the cause or causes under 36-31-2(a) relied upon for the suspension;

(E) that the suspension is for a temporary period pending the completion of an investigation and any ensuing legal or debarment proceedings;

(2) Within 30 days after receipt of the notice, the contractor may submit to the secretary, in writing, information and argument in opposition to or clarification of the suspension.

(3) Except when the suspension is based on a conviction, judgment, or admission, a hearing shall be conducted if the secretary determines that the contractor's submission raises a genuine dispute over material facts upon which the suspension is based. The secretary shall determine whether this hearing is necessary within 10 days from receipt of the contractor's submission.

(4) If the secretary determines a hearing should be held, the hearing shall be held in accordance with the rules in K.A.R. 36-31-2(b), except that the hearing shall be for suspension and not for debarment.

(c) Period. A suspension shall be for a temporary period pending the completion of investigation and any ensuing legal or debarment proceedings, unless sooner terminated by the secretary. A suspension shall not continue for more than 6 months from its effective date, unless civil or criminal action regarding the alleged violation has been initiated within that period, or unless debarment proceedings have been initiated. The suspension shall continue until the legal or debarment proceedings are completed.

(d) Scope. The scope of suspension shall be the same as that for debarment, set forth in K.A.R. 36-31-2(d).

(Authorized by K.S.A. 68-410, K.S.A. 1982 Supp. 68-404(k); implementing K.S.A. 68-402, 68-410, K.S.A. 1982 Supp. 68-404; effective May 1, 1983.)

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