

Kansas Administrative Regulations

Kansas Department of Transportation

Article 31.—Debarment and Suspension of Contractors

36-31-1. Definitions.

(a) "Adequate evidence" means evidence sufficient to form the reasonable belief that a particular act or omission occurred. In addition, a conviction, judgment, or an admission regarding the causes in K.A.R. 36-31-2(a) shall constitute adequate evidence.

(b) "Admission" means a statement made by a contractor in a court, or before any public body or public official, that the contractor committed a certain act or omitted to perform a certain act.

(c) "Affiliate" means contractors having a relationship such that:

(1) Any one of them directly or indirectly controls or has the power to control another; or

(2) If the affected contractor is an individual, any other contractor in which the affected individual is an officer, director, or has controlling legal or beneficial financial interest, until the individual's interest is severed from the other contractor.

(d) "Contractor" means any individual person, or other legal entity, including its directors and officers, which submits offers for, is awarded, or reasonably may be expected to submit offers for or be awarded a contract for labor, services or materials or any combination of these. This definition shall include any subcontractor of this individual person or legal entity.

(e) "Conviction" means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

(f) "Debarment" means an exclusion or bar from contracting with or bidding on contracts let by the secretary for a specified period of time.

(g) "Department" means the Kansas department of transportation.

(h) "Hearing official" means a designee of the secretary who may conduct a fact-finding hearing and may recommend debarment or continuance of suspension.

(i) "Judgment" means a judgment in a civil action by any court of competent jurisdiction.

(j) "Secretary" means the secretary of the Kansas department of transportation or an authorized representative or employee.

(k) "Suspension" means an exclusion or bar from contracting with or bidding on contracts let by the secretary for a temporary period of time, pending the completion of legal or debarment proceedings.

(Authorized by K.S.A. 68-410, K.S.A. 1982 Supp. 68-404(k); implementing K.S.A. 68-402, 68-407, 68-410, K.S.A. 1982 Supp. 68-404; effective May 1, 1983.)

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