

2023 Kansas Statutes

75-52,170. Duties of the secretary; requirements of agreements. (a) In any public-private partnership, the secretary shall ensure the private entity is qualified to carry out the project, including, but not limited to, ensuring that the private entity:

- (1) Has available such lawful sources of funding, capital, securities or other financial resources as are necessary to carry out the project;
- (2) possesses either through its staff, subcontractors, a consortium or joint venture agreement the managerial, organizational, technical capacity and experience in the type of project undertaken;
- (3) is qualified to lawfully conduct business in Kansas;
- (4) certifies that no director, officer, partner, owner or other individual with direct and significant control over the policy of the private entity has been convicted of corruption or fraud in any jurisdiction of the United States;
- (5) maintains a policy of public liability insurance, a copy of which shall be provided to the secretary; and
- (6) agrees to abide by all relevant local, state and federal laws, rules and regulations.

(b) In any public-private partnership, the secretary shall enter an agreement that reflects the roles, duties, responsibilities and commitments of all parties. The agreement shall include, but not be limited to:

- (1) A clear statement: Of the purpose and scope of the project; of the roles and responsibilities of each party; that the private entity does not gain sovereign immunity by the agreement; and that each party bears liability and responsibility for the actions of such party's agents and employees;
- (2) procedures that govern the rights and responsibilities of the public and private entities during the construction of the building and in the event of the termination of the agreement or a material default;
- (3) a description of how the project will be carried out consistent with all standards binding on the state, department of corrections and correctional institution where the building is being constructed or renovated;
- (4) a budget for the project that reflects source of funding and costs;
- (5) a statement that upon completion, the buildings will be owned by the state; and
- (6) a statement reflecting that maintenance and operations costs shall be the responsibility of the state after the building is completed.

History: L. 2021, ch. 86, § 4; July 1.