MEMORANDUM OF AGREEMENT

NOW, on this 20th day of ______________, 2012, the State of Kansas, Department of Administration (DOA), and the University of Kansas (University) mutually agree to the terms of this Memorandum of Agreement (MOA), concerning the care and custody of University capital improvement documents.

WHEREAS, K.S.A. 75-1267(a) states as follows:

“(a) the secretary of administration shall obtain and maintain copies of all drawings, specifications, contracts, change orders, field orders, warranties and other documents relating to all capital improvement projects for the construction of buildings or for major repairs or improvements to buildings for state agencies. It is the responsibility of the secretary of administration to prepare all of the necessary documentation to support claims by the state against any project architect, engineer, land surveyor, contractor, manufacturer, supplier or other person regarding any such capital improvement project.” ... ; and

WHEREAS, the University desires to take possession of the above-mentioned capital improvement documents, currently being maintained by the DOA, to allow them to have easier access to the documents; and

WHEREAS, the DOA needs to reduce the storage space required for them to maintain the above-mentioned capital improvement documents for all state agencies.

IT IS THEREFORE MUTUALLY AGREED as follows:

1. University, at its expense, will obtain and maintain capital improvement documentation currently held by the DOA pursuant to K.S.A. 75-1267(a).

   University further agrees to maintain said capital improvement documents for future construction of University buildings and major repairs or improvements to University buildings. University agrees to maintain said documents to the same standards prescribed by the DOA.

2. University agrees to store and maintain the above-mentioned documents in an environment that will insure the preservation of the documents.
3. Should the DOA be required to repossess, or request the return of certain capital improvement documents, University agrees to provide DOA the documents at the DOA's expense.

4. Following the transfer of the above-mentioned documents, in coordination with the DOA, University agrees to assemble all necessary documentation needed to support claims on capital improvement projects at the University.

5. Both parties agrees to comply with the requirements of K.S.A. 75-3501 et seq., K.A.R. 53-3-1 et seq., K.S.A. 45-215 et seq., and K.S.A. 45-401 et seq. concerning records retention and records open to the public. University agrees to promptly assist the DOA in complying with open records requests received by the DOA for these documents.

Signed and dated by the respective parties as follows:

**STATE OF KANSAS**

**DEPARTMENT OF ADMINISTRATION**

By: [Signature]

By: Dennis R. Taylor, Secretary

Date: July 2, 2012

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**UNIVERSITY OF KANSAS**

By: [Signature]

By: [Name]

Date: June 26, 2012