



**Testimony to the House Commerce and Economic Development Committee
In Opposition to HB 2515
January 26, 2012**

Chairman Brown and members of the committee, my name is Brian Dietz. I am Associate Counsel for JE Dunn Construction Company. I also am here to represent The Builders' Association and the Kansas City Chapter, Associated General Contractors (AGC). Thank you for the opportunity to provide testimony today in **opposition** to HB 2515 which is confusing as written, and seems to severely restrict the pool of construction managers available and hinders relationships with area companies that have had a long partnership with the state of Kansas.

We have strong reservations about this legislation and would like to offer three areas of concern:

- As written, the legislation is not clear on its application or purpose. This will affect Kansas governmental units utilizing the alternate procurement statutes that currently provide for construction manager at risk and design/build.
- To achieve fair and open competition, particularly with regard to alternate delivery allowed by current Kansas statutes, the governmental unit should select a construction manager irrespective of that construction manager's labor affiliations.
- A construction manager with subcontracting restrictions arising out of its collective bargaining agreements would be precluded from competing on Kansas public projects. As a result, the state would not achieve fair and open competition in its procurement process. These restrictions would create an exclusive group of contractors that could only be used for Kansas projects. The taxpayers would not be well-served by restricting competition on public works projects.
- Boiled down, this bill would disqualify contractors who are signatory to collective bargaining agreements that contain subcontracting restrictions from doing public works construction in the state of Kansas.

I believe that we can develop some language changes to resolve these issues. We ask the committee to allow us a little more time to study the language and then offer some changes. With respect to the committee's time, we will be expeditious in getting this language to you.

Thank you for allowing us this opportunity to speak today.

House Commerce & Economic
Development Committee
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