

**Garland Testimony to the Senate Committee for Ethics, Elections, and Local Government Related to Kansas Senate Bill 150**

Frank Percaciante  
Division Controller  
The Garland Company, Inc.  
3800 East 91<sup>st</sup> Street  
Cleveland, OH 44105  
Phone:(216) 430-3651  
E-mail:[Fpercaciante@garlandind.com](mailto:Fpercaciante@garlandind.com)

---

The Garland Company has a long and proud tradition of manufacturing construction products in the United States since 1895. Throughout the majority of our history, we have and continue to focus on selling exterior waterproofing products to many types and sizes of customers. Our solutions have been used in industrial, commercial and institutional applications by both small and large businesses, colleges and universities, school districts, as well as, all branches of federal, state and local government. Garland has conducted business fairly, honorably and ethically. Our business continues to grow because of the valuable services we provide to all of the entities previously mentioned and our high performance extended life cycle solutions. Our expertise in exterior waterproofing solutions is a superior resource to the agencies and constituents they serve within the state of Kansas.

Garland directly employs over 170 representatives throughout the United States including representation in the State of Kansas. Garland representatives work directly with the stakeholders of roofing projects to ensure that the roofing system designs, project details, material selection and application procedures match the expectations of our customers. As an ESOP company, each individual is an employee-owner that has a vested interest in making sure every Garland roof performs at least as long as its anticipated warrantable life. By overseeing, providing input and monitoring the quality throughout each phase of a roofing project from conception to completion, Garland has direct involvement with all aspects of each project. This allows our representatives to take ownership of their completed projects and share in the Garland's responsibility of ensuring the roof's long-term performance.

Garland has one of the highest customer satisfaction reputations within our industry. This is accomplished through our representative's local involvement in

all aspects of a roofing project. This is also accomplished through providing products that substantially exceed the minimum requirements that establish a baseline for acceptable product performance.

With site-specific knowledge of the building and input from the building owner on budget, schedule and expectations for future performance, our representatives are able to develop roof system material options that incorporate all of these preferences. As the manufacturer of the materials, there is no better source for providing products that most appropriately address the material installation parameters (i.e. building occupancy, weather conditions, disruption to operations, interior sensitivity, etc.) and procedures (i.e. building height, site/building access, staging, # of penetrations, slope, etc.) required for a successful project. Our expertise has developed throughout our long history of listening to our customers. We have found materials or created products that provide solutions to complex roofing challenges; bringing a value-added component to our roofing projects.

Design and proper material selection is critical in meeting customer expectations. Also of note are the many well documented performance tests that exist, which both qualify the installed performance of construction products and aid in predicting life-cycle performance life. The minimum standards, most commonly defined by the American Society for Testing and Materials (ASTM), have been developed to both, identify the composition and type of materials, as well as establish a minimally acceptable level performance. While helpful in categorizing products for a specific use; these minimum standards were **not** established to achieve an ideal product performance. All manufacturers must meet these standards in order to have their product be classified in a defined product group; however a smaller group of performance-oriented manufactures have created products that exceed these minimum standards in an effort to enhance durability and performance.

**Kansas SB 150 creates vague language will make it difficult to quantify and evaluate competing products in the marketplace. This legislation will create market confusion that lowers construction product performance throughout all areas of a building, and deteriorating the quality of all state and municipal building throughout Kansas.**

Much of SB150 qualifying language is open to interpretation, for example:

- **“Unreasonable Requirements”** – it is impossible to quantify the term “unreasonable”. Most products are gauged by their composition and a

performance standard to meet a classification based upon physical properties or method of construction. While one individual may classify a higher than standard performance requirement as reasonable; another may find it unreasonable. The use of this standard creates an opportunity for anyone whose product meets the some minimum standard to argue that another's product which exceeds the minimum standard does so unreasonably. With no "reasonable" way to judge material, an "anything fits" environment will result. **SB150 will reduce the performance of construction products by creating an argumentative bid processes that will lower the overall building quality of state- and municipally-owned buildings.**

- **"Recognized as adequate"** – "Adequate" leaves Kansas agencies with an undefined standard of performance. Since the word adequate most closely matches the minimums for acceptance, its use in this legislation will drive the quality of construction products down to the lowest acceptable level of performance. While a paper tube may be "adequate" to transport water for a period of time, a copper pipe will serve the purpose for a much longer and reliably for a desired period of time. Although this is an extreme example, there are will be countless other real world examples of product substitutions caused by this legislation. **SB150 will lead to market confusion that will ultimately eliminate a Kansas agency's ability to act in the best interests of their constituents.**
- **"Competent Authorities in the industry"** – This statement is fraught with issues. Who defines the competency of an authority and determines that their competency/authority is appropriate for making product substitution decisions for a local unit of government or state agency? Since construction products are created to achieve a desired purpose based upon the classification of trade, how will the competent authority be selected by industry? This language leaves the bid process open to challenges and disputes, which will create more administration and potential litigation for Kansas agencies. **SB150 creates the likelihood of unbridled arbitration and legislation.**

The Garland Company has been an active and effective provider of construction solutions to agencies within the State of Kansas and throughout North America for many years. The Garland Company supports open, performance-driven solutions

# Marion County Courthouse

Garland's Legacy™ stunning shingle-style wall panel system provides an aesthetically pleasing solution for numerous wall panel applications, particularly where unique or complicated building shapes are used. The system uses concealed clips and can be used for any wall, including rainscreen assemblies, that requires moisture proofing behind the wall panel. The interlocking panels provide a clean, flush appearance that fits with many contemporary designs. Legacy is available in a wide variety of shapes, sizes, materials, and colors and allows designers to make a bold architectural statement.

