

**Written Statement of
Dick Carter, Jr.
to the
Senate Committee on Ethics, Elections and Local Government
Opposing SB 150
March 7, 2013**

Chairman Pyle, and members of the Senate Committee on Ethics, Elections and Local Government. This statement is presented on behalf of the City of Overland Park, Kansas opposing proposed SB 150, which would require that when the state or any municipality lets bids for any contract for construction services or for any contract involving the purchase of any supplies or equipment, that specifications would not be used to favor any specific product or manufacturer by setting unreasonable requirements. The bill also speaks to considerations regarding materials that are recognized as adequate and acceptable by competent authorities in the industry.

We offer the following observations on language contained in SB 150:

- “Adequate” is somewhat of an indefinable term. In some cases it may suggest a product that does just enough to get by. An adequate product may not achieve the specific requirements of compatibility or interchangeability with existing infrastructure.
- “Unreasonable requirements” – Many products are specified based on quality of construction, longevity and whatever is compatible with existing infrastructure or operations. What may appear by some to be unreasonable requirements may be the difference between a product meeting an existing need or not meeting functional requirements in which a municipality has already invested significant capital to meet a specific need.
- “Competent Authorities in the Industry” is equally concerning. The bill does not indicate or specify who or what certifications make a person a competent authority. This provision alone, could place a municipality in constant arbitration or legal proceedings.

SB 150 creates a vague and difficult to quantify language that would potentially end up costing the taxpayer more for repairs due to shorter life span of a product, or replacement due to inferior materials, as well as possible protracted legal expenses either defending the city, or seeking remediation from a supplier of an “adequate” product. Please do not forward this bill for further consideration.