



**WRITTEN TESTIMONY IN OPPOSITION TO SB 150 – State, municipalities;
contracts for construction materials and other goods and merchandise;
specification limitations.**

To: Honorable Chairman Dennis Pyle
Members of the Senate Standing Committee on Ethics, Elections
and Local Government

From: Beccy Yocham, City of Lenexa Director of Community
Development
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Date: March 5, 2013

Thank you for the opportunity to submit written testimony regarding SB 150. The City of Lenexa strives to procure goods, merchandise, materials, supplies and equipment based on full and open competition and in a manner that provides the best value to the taxpayers. However, it is sometimes both necessary and reasonable to require specific products and/or manufacturers in bidding specifications. The City opposes SB 150 for the following reasons:

1. Occasionally, supplies or equipment may not necessarily be unique with respect to the rest of the world, but are unique to the City in that it may be equipment that matches equipment or processes already being used by the City, such as a particular HVAC or emergency power system. The use of specific and coordinated supplies or equipment throughout a facility offers many advantages:
 - a. *Downtime and inefficiencies caused by interoperability issues will be reduced.* Due to the intricate technology and software found in most operating systems, interoperability issues between varying manufacturer's equipment are often found. The ability to specify compatible equipment is essential to reducing costs and delays.
 - b. *Operations and maintenance is more efficient.* Municipal facilities rely on pumps, motors, fans, and other mechanical systems for mission-critical and day-to-day operations. These systems must be maintained and operated correctly to reach their full potential. Well-executed operations and maintenance (O&M) programs promote

energy efficiency and lifecycle performance, which can save agencies 5% to 20% on annual energy bills without significant capital investments. In addition, successful O&M programs can increase safety while improving comfort and health.

- c. *Streamlined training is possible.* Limiting the variety of systems allows municipalities to provide more effective, in-depth training to staff.
2. SB150 does not define “unreasonable”, nor articulate how a municipality would determine if materials, supplies or equipment are “adequate and acceptable” alternatives, nor who has the burden this.
3. Under SB 150, it would be difficult for the City to determine who is the lowest, most responsible bidder in a given situation when bidders are permitted to bid whatever materials they wish to bid, in lieu of those specified.

For these reasons, the City of Lenexa urges you to reject SB 150, or at a minimum, to consider these points or revise the provisions of SB 150 accordingly prior to taking affirmative action on the bill. If you need any additional information, please do not hesitate to contact me at 913/477-7718 or by e-mail at byocham@lenexa.com

Thank you for your consideration.