

Chairman Baumgardner and other Honorable Senators:

Thank you for the opportunity to appear before your committee:

Delta Innovative Services, Inc. (“Delta”) is a family owned business which provides roofing and re-roofing installation for public and commercial buildings in Kansas and the KC Metro. It is an active bidder for school building installation. The headquarters of this Company is in Kansas City, Kansas and the owner lives here. The issue may be summarized as follows:

1. Delta has experienced what appears to be questionable bid letting practices in some school districts.
2. In pre-bid documents seeking installers of roofing materials for school building construction, re-roofing and the building of additions during the summer break, the USDs sometimes use specific proprietary names of materials that must be used. If only two products or materials are specified, the possibility of listing one that is not competitive due to price is always there.
3. These pre-bid notices typically are issued on very short notice. Even if they allow substitutions on proof that the proposed products and installation methods to be used are equivalent to the bid specifications, there is often not enough time to accomplish that before the contract is let.
4. The net result is that the facilities manager, the architect, or whoever letting for construction, maintenance or expansion projects, is free to reject bids on the basis the material wasn’t what was specified. This is not open competition. Delta also strongly believes these practices result in higher costs to USDs over time.
5. Understandably, over time, school facility or construction managers may grow comfortable with one product, that company’s methods, and even

with the installers licensed to apply the product. This preference is sometimes expressed by specifying the material must be used. Making matters worse, one of the favored product manufacturers licenses only exclusive installers of its product. They are captive installers. My client is licensed and approved by several different product suppliers, and several of the products have been proved to be the equivalent of the favored product.

6. The Bill is modeled upon laws of other states that outlaw or regulate pre-bid notices specifying proprietary products. It is narrowly drawn. It does not close off existing preferences for Kansas companies. It DOES level the playing field in school district roofing bid letting.
7. The questionable pre-bid letting notices and practices MUST be restricted or the Specifications mandating one type of product, and one set of installers will continue, and without a doubt the practice causes the USDs involved to pay more.

For more information please contact:

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