
ARTICLE 4 – SPECIFICATIONS AND SCOPES OF WORK

As discussed in Article 3, all Standard, Simplified, and Sole Source Purchases begin with written Specifications or a written Scope of Work (“SoW”). The importance of these documents to the quality of the procurement process, the eventual contract and, most important, the final result cannot be overstated.

4.1 GENERAL GUIDELINES

1. Importance of Specifications and Scopes of Work.

- a. From a contractual standpoint, the Specifications/SoW serves as one of, if not the most important contract component. It is attached to and incorporated into the contract as an exhibit. It, more than any other contract term, establishes the expectations of the relationship and is often the determining factor in resolving disputes over what work is or is not included in project.
- b. From the County’s perspective, the Specifications/SoW serves as the guideline for acquisition planning, selection of the appropriate solicitation method, identification of the correct contract terms, and ultimately, dictates the quality of the final result.
- c. From a potential vendor’s perspective, the Specifications/SoW serves as the basis upon which to plan and prepare a responsive bid or proposal. It communicates the nature and scope of the work to be done so that the responsive bid or proposal can be specifically and appropriately tailored.
- d. From a practical standpoint, the Specifications/SoW is required to initiate the County’s internal acquisition planning process, which begins with a Purchase Requisition to which the Specifications/SoW must be attached, and concludes with the Department’s or Office’s ability to pay a vendor’s invoice.

2. Differences between Specifications and Scopes of Work.

- a. **Scope of Work:** As addressed in § 4.2, a SoW is a written description of the result that the County seeks to achieve upon contract completion. A SoW describes “what” needs to be accomplished by the successful vendor as opposed to “how” the successful vendor shall do the work. In very broad terms, a SoW is used in connection with a Request for Proposals, discussed in § 5.3.
- b. **Specifications:** As addressed in § 4.3, Specifications emphasize the functional or performance criteria required to meet the County’s needs, such as specific quantities, qualities, materials, and the like. In very broad terms, Specifications are used in connection with an Invitation for Bids, where contract award is determined solely on the basis of the lowest responsive and responsible bid offer, as discussed in § 5.2.

3. **Maximum Practicable Competition:** Each Specification/SoW shall be prepared and drafted in a manner to ensure maximum practicable competition, promote overall economy for the purpose intended, and to encourage competition in satisfying the County's requirements, and shall not be overly restrictive.
4. **Preparation:** The Department Head, Elected Official, or an appropriate designee is responsible for preparing the Specifications/SoW. The Procurement Department will work with Departments and Offices to ensure each Specification/SoW is as thorough and accurate as possible.
 - a. **Capital Projects.** In the case of Specifications for capital projects, the Chief Procurement Officer, in collaboration with the Department, determines whether or not the specifications shall be prepared internally or by contract with an architect/engineering consultant.
 - b. **Vendor Assistance.** Obtaining vendor assistance to write Specifications/SoW is not common practice and should be avoided when possible because it may inhibit competition. If a vendor is involved in writing one of these documents, the vendor should be paid for the service and prohibited from submitting a bid or proposal in response to the solicitation.
 - i. The Chief Procurement Officer may allow the vendor to submit a bid or proposal if it is in the best interest of the County. If an exception is made and the vendor is allowed to bid, its role in preparing the specifications shall be disclosed to other vendors as part of the solicitation documents.

4.2 SCOPE OF WORK

A SoW is a written description of the required goods or service stated in terms of the result to be achieved. It describes "what" needs to be accomplished as opposed to "how" to do the work and is the key document in a Request for Proposals, discussed in § 5.3, and the resulting contract.

1. **Purpose of a SoW.** The purpose of a SOW is to provide potential vendors with a clear, accurate, and complete description of the work to be performed, including inspections, test and acceptance, quality, support services required, critical time line definitions, data and documentation desired, maintenance, and other necessary requirements.
2. **Elements of a SoW.** Every SoW should be expressly tailored for each specific requirement. There are, however, several common elements that should be addressed whenever applicable:
 - a. **The Work:** Describe the work sought, including any work plan, required deliverables, milestones, performance standards, and due dates.

- b. **Period of Performance:** List the start and end date for the entire project as well as any other scheduling requirements.
- c. **Physical Location:** Identify or describe where the work will be performed. If the place of performance is at a specific address, identify it.
- d. **Supplies and Equipment:** List the supplies and equipment that will be required, used, and/or provided.
- e. **Payment Rate:** Identify how the payment rate for the good or service will be determined; for example, by job, month, day or hour.
- f. **Acceptance Criteria:** State the criteria the County representative(s) will use to determine if the product or service is acceptable.
- g. **Special Requirements:** Identify any special requirements that are required to successfully perform or complete the work, including for example, any anticipated or allowable price increase over the term of the contract, any special hardware or software, specific degrees or certifications, travel requirements, delivery expectations, or any other need not covered by the contract that are necessary to the success of the project.

4.3 SPECIFICATIONS

Specifications emphasize functional or performance criteria while limiting design or other detailed physical descriptions to those necessary to meet the County's needs. Specifications provide the information critical to an Invitation for Bids, discussed in § 5.2, and the resulting contract.

1. **Purpose of Specifications.** The purpose of Specifications is to serve as a basis for obtaining a supply item or service that is adequate and suitable to meet the County's needs in a cost effective manner, taking into account, to the extent practicable, the costs of ownership and operation as well as initial acquisition costs.
2. **Form of Specifications.** Specifications shall be clear and accurate descriptions with sufficient detail to provide for suitable purchases, without being unduly restrictive, and shall include, where applicable:
 - a. Functions and standards characteristics;
 - b. Materials and methods descriptions;
 - c. Preparation for shipment, delivery point;
 - d. Quality assurance and acceptance tests;
 - e. Warranties and service support requirements;

- f. Product, supply and service specifications.
3. **Preference for Commercially Available Products.** To the extent practicable, preference shall be given to procurement of standard commercial products. In developing Specifications, accepted commercial standards should be used and unique requirements should be avoided.
4. **Brand Name or Equal Specifications – Conditions for Use.** “Brand name or equal” specifications may be used when the item to be procured is best described by the use of such a specification and when the Chief Procurement Officer, through acquisition planning, determines that it is in the best interest of the County.
- a. “Brand name or equal” specifications shall seek to designate as many different brands or “as equal” references as are practicable, and shall further state any substantially equivalent products that will be considered for award.
 - b. Where a “brand name or equal specification” is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.
5. **Brand Name Specifications – Conditions for Use.** Since use of a brand name specification is restrictive, it may be used only when the brand name or items will satisfy the Department’s or Office’s needs and the Chief Procurement Officer determines in writing that:
- a. No other design or performance specification or qualified products list is available;
 - b. Time does not permit the preparation of another form of product description, not including a brand name specification;
 - c. The nature of the product or the nature of the County’s requirements makes use of a brand name specification suitable for the procurement;
 - d. Use of a brand name is in the County's best interest due to such concerns as standardization or compatibility with existing products used by other Departments or Elected Officials; or
 - i. “Brand name” only specifications should not be confused with the situation that arises if only one source can supply the requirement. When only one source can supply the requirement, the procurement shall be made under the Sole Source Purchase policy set forth in § 3.5.
 - e. Where a brand name specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of

describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.