

Chapter 7. Competitive Sealed Bidding: Specifications

Summary

This chapter outlines the method to develop specifications, which are the description of the goods or services to be procured. Included in this chapter are discussions of the purpose for developing appropriate specifications, the types of specifications, sources to assist in developing specifications, the task of writing specifications, and the use of brand names.

Essential Information in this Chapter	
<ul style="list-style-type: none">• A specification is a description of the physical or functional characteristics of the goods or services to be procured.• Performance specifications are the preferred form of specifications.• The using department has the primary responsibility for writing specifications.• Specifications should be written in clear, simple language, free of vague terms or those subject to variation in interpretation.• The using department should use brand name specifications with caution.	
Key References to the Code of Virginia Applicable to this Chapter	
Section 2.2-4301: Definitions of competitive sealed bidding and other key terms Section 2.2-4303(A): When competitive sealed bidding required, generally Section 2.2-4315: Use of brand names	

7-1 General

A specification is a description of the physical or functional characteristics of the goods or services desired to be procured. Specifications also describe the proper quality level of the goods or services and, because of their nature as public records, provide a check on the exercise of official discretion in the evaluation and award of bids. Viewed functionally, specifications are a device for ensuring that the goods or services to be procured will be of a quality suitable for their intended uses.

7-2 Types of Specifications

There are three types of specifications:

- Performance specifications: Performance specifications describe the capabilities that the goods or services must satisfy.

- Design specifications: Design specifications describe the physical and other characteristics of the goods or services.
- Brand name specifications: Brand name specifications cite a brand name, a model number, or some other designation that identifies a specific product of a manufacturer as an example of the quality level desired, and goods equaling or surpassing the quality level are understood to be acceptable.

Performance specifications are the preferred form of specification.

7-3 The Purpose for Specifications

A properly developed specification should do four things: (1) identify minimum requirements; (2) allow for a competitive bidding process; (3) for goods, identify objective standards to allow them to be tested for compliance with the specifications; and (4) provide for an equitable award at the lowest possible cost.

7-4 Sources for Developing Specifications

The following are sources from which specifications may be obtained:

- The qualified staff of the using department.
- Salespersons.
- Federal agencies, such as the Federal Supply Service.
- Other state and local governments.
- The National Institute of Governmental Purchasing.
- Responsible associations of users, manufacturers, technical societies and associations.
- A staff engineer.

This list is not exhaustive. The purchasing agent and the using department should use caution in relying upon specifications for goods provided by salespersons because they may identify a single or limited number of goods being promoted by the salesperson.

7-5 Specification Writing

The using department has the primary responsibility for writing specifications, which shall be subject to review by the purchasing agent. Specifications should be written in clear, simple language, free of vague terms or those subject to variation in interpretation. The use of abbreviations should be restricted to those in common usage and not subject to possible misunderstanding.

- Appropriate level of detail: Specifications must be as detailed as practicable in order to ensure: (1) potential bidders are bidding on the same goods or services and on the same terms; (2) there is a framework within which potential bidders can adequately assess the risks and rewards of making a bid; (3) there is protection against the possibilities for fraud inherent in vague or indefinite specifications; (4) the requisites for the formation of a binding contract are satisfied; and (5) there is a standard for review of the responsiveness of the bid awarded the contract.

However, specifications should not be so narrowly drafted that they thwart competition. A specification that confines bidding to a single vendor is not acceptable unless there is truly only a sole source.

- Identify essential characteristics: To provide a common basis for bidding, specifications should set out the essential characteristics of the goods or services being procured so that all bidders know exactly what is wanted and can accurately compute their bids. The specifications should identify those measurable physical, functional, and quality characteristics that meet the requirements and are common to at least two manufacturers.

The goods or services to be procured should be able to perform as necessary and be as durable as needed, but they should not have unessential frills or status features. Including nonessential characteristics or omitting essential characteristics should be avoided because the practice is wasteful. Including nonessential characteristics may also result in a specification that is so restrictive that it defeats the object of fostering competition.

- Identify the minimum level of experience: The specifications should establish a minimal level of experience of a bidder, require that the bidder submit at least three references, and that it summarize all performance experience with the County.

7-6 The Use of Brand Names

The using department should use brand name specifications with caution because they may lessen objectivity in the process of evaluation and award, may reduce equality of opportunity among bidders, and may discourage competition. If brand name specifications are used:

- Several brand names should be given, to the extent possible.

- Brand names known throughout the industry should be used so that the desired quality level is known to potential bidders.
- Salient characteristics should be identified that will be used to compare brands and to determine the award, but the specification should be clear that these factors are not the total consideration.
- State that the brand identified is used merely as a specification and not as a statement of a preference for the specific product identified.
- State that, unless otherwise stated, items equal to the identified brand name will be acceptable, considering quality, workmanship, economy of operation, and suitability for the purpose intended.
- Caution should be used to ensure that the brand, make of material, manufacturer, device, or equipment specified does not exclude other goods because of a particular patented feature.