

STATE PROCUREMENT OFFICE  
On-Demand Training – SPO 122

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## WRITING SPECIFICATIONS AND SCOPE OF WORK

Hawaii Revised Statutes (HRS)  
Chapter 103D

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### Agenda

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- Procurement 101
- Specifications
- Scope of Work
- Word Selection

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### Agenda

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- **Procurement 101** ←
- Specifications
- Scope of Work
- Word Selection

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Procurement 101

- SPO Training Workshop: SPO-001 – Procurement Basics

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Agenda

- Procurement 101
- **Specifications** ←
- Scope of Work
- Word Selection

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Specifications: What is

- Merriam-Webster:
  - ▣ The act or process of specifying.
  - ▣ Specifying: To name or state explicitly or in detail.

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### Authority to Prepare Specifications HAR §3-122-11

- The chief procurement officer (CPO), with the assistance of the using agency, shall prepare and approve specifications.
- The CPO may delegate, in writing, to using agencies the authority to prepare and use its own specifications.
- Procurement Delegation 2010-01 delegates procurement authority for preparation and writing of specifications. (Executive Departments)

□ <http://spo.hawaii.gov> > For State and County Personnel > Manual for State and County Personnel > Delegation

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### Definitions

HAR §3-122-1

- **Practicable** = what may be accomplished or put into practical application.
- **Advantageous** = a judgmental assessment of what is in the State's best interest.
- **Best value** = the most advantageous offer determined by evaluating and comparing all relevant criteria in addition to price so that the offer meeting the overall combination that best serves the State is selected.
- **Standard commercial product** = a product or material, in the normal course of business, is maintained in stock or readily available by a manufacturer, distributor, or dealer for the marketing of the product.

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### Specifications: Purpose

HAR 3-122-10

- A specification is the basis for procuring a good, service or construction item.
- Purchasing agencies may seek to procure standard commercial products and obtain the most advantageous prices.
- All specifications shall seek to promote overall competition, shall not be restrictive, and provide fair and equal opportunity for every supplier that is able to meet the State's needs.

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### Specifications: Sources

- Request for Information (HAR §3-122-9.02)
- Manufacturers (compare multiple manufacturers)
- Colleagues: SPO, Other Purchasing Jurisdictions, Other Departments/Agencies

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### Specifications: Importance

- Critical to procurement planning process.
- Provides clarity to the supplier/vendor community.
- Conveys the level of quality and function.
- Avoids the acquisition of inferior products and materials.
- Provides fair opportunity to all qualified offerors.
- Promotes a competitive bidding environment.
- Key component to strategic sourcing.

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### Sample: Hook



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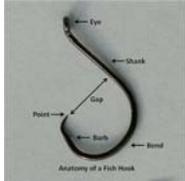
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### Sample: Fish Hook



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### Specifications vs. Scope of Work

- **Specification** = any description of the physical or functional characteristics, or of the nature of a supply, service, or construction. It may include a description of any requirement for inspecting, testing, or preparing a supply, service or construction item for delivery. *HRS 103D-104*
- **Scope of Work or Statement of Work** = a description of the requirements of services to be performed. The scope of work may include material requirements to perform the needed services.

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### Specifications: Types HAR §3-122-13(b)

- Design
- Performance
- Restrictive
- Brand Name or Equal
- Qualified Products List
  
- Combination

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### Design Specs: Defined

- The dimensional and other physical requirements of the item being purchased, how a product is to be fabricated or constructed. HAR §3-122-1
- Sets the requirements for the product, detailing the characteristics that the item must possess; how the item is to be manufactured. HAR §3-122-13(b)(1)
- Used primarily when agency knows exactly what it want and also has the capability to develop exact procedures or processes that should be followed.

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### Design Specs: Advantages

- Accurate supply arrangements
- Compliance to design characteristics
- Specifies exactly what the design intends

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### Design Specs: Disadvantages

- May limit competition
- May create obsolescence and restrictiveness
- Price may reflect cost for development
- May over-specify and therefore increase the price unnecessarily
- May increase liability for claims
- Puts responsibility of final product on the specifier and not the supplier

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### Performance Specs: Defined

- The functional or performance requirements of the item, what a product does and how well it performs.  
HAR §3-122-1
- Describes the capabilities that the product must meet, use of test or criteria are developed to measure the item's ability to perform as required.  
HAR 3-122-13(b)(2)

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### Performance Specs: Advantages

- Result/Outcome specific
- Can result in quality goods/services
- Can allow Offeror's flexibility on their offer

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### Performance Specs: Disadvantages

- Time consuming
- Must take special care to describe in detail all the design intents.
- May result in long, lengthy specs
- Poorly developed performance specs can result in poor quality goods/services

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### Restrictive Specs: Defined

- Otherwise known as Brand Name Specifications
- Does not allow for an “or equal”
- A specification limited to one or more items by manufacturers’ names or catalogue numbers, commonly referred to as restrictive specification.  
HAR §3-122-1
- Requires CPO approval (Use Form SPO-014).  
HAR §3-122-13(b)(3)

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### Restrictive Specs: Impact

- Very limited or no competition
- No incentive to offer best price
- If only one bid/proposal received, cannot demonstrate that supplier is offering the best price or solution
- Higher cost to purchase goods, services, or construction
- Could be perceived as being more than what is needed

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### Restrictive Specs: Transformed

- Change a restrictive spec to a generalized one by identifying and addressing issues in specs.

Issue	Transformation
Poor Performance	Include performance expectations in your specs
Compatibility	Include in your specs a statement that product needs to work with existing equipment (and specify existing equipment)
Predetermined Outcome (agency wants particular vendor/item)	Obtain approval for restrictive specs OR beef up your specs to make them more specific to your needs without being restrictive.

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### Restrictive Specs: Transformed

Restrictive	Transformed	Best Transformation
<ul style="list-style-type: none"> <li>❑ Fuel Economy: 26/34</li> <li>❑ Horsepower: 132 @ 6,000 RPM</li> <li>❑ Torque: 128 @ 4,400 RPM</li> <li>❑ 4-speed Automatic</li> <li>❑ Toyota Corolla LE</li> </ul>	<ul style="list-style-type: none"> <li>❑ <u>Minimum</u> Fuel Economy: 26/34</li> <li>❑ <u>Minimum</u> Horsepower: 132 @ 6,000 RPM</li> <li>❑ <u>Minimum</u> Torque: 128 @ 4,400 RPM</li> <li>❑ <u>Minimum</u> 4-speed Automatic</li> <li>❑ Toyota Corolla LE <u>or equal</u></li> </ul>	<ul style="list-style-type: none"> <li>❑ Minimum Fuel Economy: <u>22</u>/34</li> <li>❑ Minimum Horsepower: <u>130</u> @ 6,000 RPM</li> <li>❑ Minimum Torque: 123 @ <u>3600</u> RPM</li> <li>❑ Minimum 4-speed Automatic</li> <li>❑ Toyota Corolla or equal</li> </ul>

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### Brand Name or Equal: Defined

- ❑ A specification which uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet requirements, and which provides for the submission of equivalent products. HAR §3-122-1

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### Brand Name or Equal: Sample

- ❑ Toilet tissue:
  - ❑ Roll, 2-ply, fully bleached (white) completely wrapped, Approx. 4.0" x 4.0" sheets to fit standard size dispenser, 500 sheets per roll, 96 rolls per case or 550-605 sheets per roll, 80 rolls per case (Kimberly Clark Scott 04460-50, Georgia-Pacific 19880/01, or equal)

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### Qualified Products List: Defined

- An approved list of goods, services, or construction items described by model or catalogue numbers, which, prior to competitive solicitation, the State has determined will meet the applicable specification requirement. HAR §3-122-1
- A list of goods, services, or construction items, which, prior to the opening of the competitive solicitation, are examined, tested, and determined to meet the applicable specification requirements. HAR §3-122-13(b)(5)

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### Qualified Products List: Defined

- Products and samples are evaluated and pre-qualified in advance of solicitation to ensure compliance with specifications and an acceptable quality level.
- Allow for substitution requests. (Issue addendum to address additional acceptable items).
- Pre-qualification process must be fair for all qualifying vendors.

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### Combination Specs

- The most common type of specs
- Example: Design Specs + Performance Specs where specs contain elements of both design and performance specifications

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pop-quiz

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- What kind of spec is this: “retractable gel pen with black ink, 0.5mm, Pilot G-2 (N131002)”
  - Design
  - Performance
  - Restrictive
  - Brand Name or Equal

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pop-quiz

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- What kind of spec is this: “Gel, retractable, refillable pen, 0.5mm, black ink (Pilot N131002 or equal)”
  - Design
  - Restrictive
  - Brand Name or Equal
  - Both A & B
  - Both A & C

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Specifications: Development  
HAR §3-122-13

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- Identify minimum requirements
- Allow for competition
- List reproducible test methods to be used in testing for compliance with specifications
- Provide an equitable award at the best value

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### Elements of Sound Specifications

- Uses industry terminology
- Specifies acceptable tolerances
- Describes the application and environment
- Be clear, concise and consistent
- Avoids ambiguous or conflicting terms
- Avoids proprietary requirements that limit or eliminate competition

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### Specs: Inclusions

- Detailed product requirements
- Quantity
- Performance requirements
- The intended use of the product or the intended need for the service provided
- Product certifications, professional licenses or required training
- Delivery/installation
- Warranty
- Training requirements
- Insurance requirements
- Vendor price inclusions: freight, transportation, packaging, delivery, taxes, GET, fees, etc
- Other responsibilities

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### Specs: Sample – Trash Bags

**GROUP 1: LOW/LINEAR DENSITY POLYETHYLENE**

Material:	Film for bags shall be made from polyethylene or ethylene copolymer resin (low density, linear low density, or linear lowlow density blend).
Destructibility:	Bags shall be capable of incineration under normal incinerating practices.
Sizes:	The dimensions of bags shall be from -1/8" to +1/4" of the sized listed on the Offer Form. The following formula is used to calculate average weight of bags per case:  $(\text{width in inches}) \times (\text{length in inches}) \times (\text{gauge in mils}) / 15 = \text{lbs/1000 bags}$
Workmanship:	Bags shall be of good overall quality, uniformly made, free from gels, streaks, pinholes, particles of foreign matter and undischarged raw materials. There shall be no visible defects such as holes, tears, cuts, creases, wrinkles, blisters, imperfect seals or other imperfections which may impair their usefulness or appearance.  Bags shall be easy to open. Bags may be flat or gusseted. Bags larger than 48" x 48" must be gusseted if requested by the end user.
Twist Tie:	Approximately 4" long wire glued between zipper throughout the whole length of the wire. Must bend and twist easily. One (1) twist tie shall be furnished for each poly bag only when requested by the end user.
Case Labeling:	All cases shall be clearly labeled as to allow quick identification of the contents. Labeling shall contain the following information: bag dimensions, quantity of bags, gauge, and net case weight.

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## Recycled Products

- Specifications shall not discriminate against the use of recycled materials. HAR §3-122-13(c)
- To encourage the use of recycled products, contracts shall be awarded to the lowest responsible and responsive bidders, with preference being given to the products containing recycled material. HRS §103D-1005(a)
- When purchasing office paper and printed material, State purchasing agencies shall, and county agencies are urged to, purchase only office paper and printed material with recycled content. HRS §103D-1005(e)

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## Recycled Products: Sample – Office Paper

### SPECIFICATIONS

#### RECYCLED PAPER

"Recycled paper product" is a paper product where each sheet or individual unit consists of a minimum of thirty percent (30%) recycled material or post-consumer recovered material waste, or both.

#### Definitions:

"Recovered material" means material that has been separated, diverted, or removed from the solid waste stream after a manufacturing process for the purpose of use, reuse, or recycling.

"Post-consumer waste" means any product used by a consumer that has served its intended end use and that has been separated or diverted from the solid waste stream for the purpose of recycling.

"Solid waste stream" means discarded material moving from the point of discard to ultimate disposition.

#### GENERAL REQUIREMENTS

All paper shall be standard registered mill brand. All paper shall be long grain, cut and ream wrapped at the mill with a printed label identifying the mill brand, type of paper, size and substance weight. All paper shall be alkaline type or acid-free.

For all items, Offeror shall offer a recycled product.

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## Recycled Products: Sample – Office Paper

Description	Brand Name or Part	Est. Quantity	Brand name/product number	unit price	est. total unit price
<b>GROUP 2: RECYCLED OFFICE PAPER</b> *Complete Contribution of Recycled Content					
BOISE RECYCGRAPHIC white 50lbm 20# 24lbm					
BOISE RECYCGRAPHIC white 50lbm 20# 24lbm	BOISE ASPEN P102401P	675			\$0.00
BOISE RECYCGRAPHIC white 50lbm 20# 24lbm					
BOISE RECYCGRAPHIC white 50lbm 20# 24lbm	BOISE ASPEN P102401	70413			\$0.00
BOISE RECYCGRAPHIC white 50lbm 20# 24lbm					
BOISE RECYCGRAPHIC white 50lbm 20# 24lbm	BOISE ASPEN P102404	1960			\$0.00
BOISE RECYCGRAPHIC white 50lbm 20# 24lbm					
BOISE RECYCGRAPHIC white 50lbm 20# 24lbm	BOISE ASPEN P102407	1077			\$0.00
BOISE RECYCGRAPHIC white 50lbm 20# 24lbm					
BOISE RECYCGRAPHIC colored 50lbm 20# 24lbm	BOISE FREDERICK P140201	7000			\$0.00
BOISE RECYCGRAPHIC colored 50lbm 20# 24lbm					
BOISE RECYCGRAPHIC colored 50lbm 20# 24lbm	BOISE FREDERICK P140204	300			\$0.00
BOISE RECYCGRAPHIC colored 50lbm 20# 24lbm					
BOISE RECYCGRAPHIC colored 50lbm 20# 24lbm	BOISE FREDERICK P140203	1454			\$0.00
BOISE RECYCGRAPHIC colored 50lbm 20# 24lbm					
BOISE RECYCGRAPHIC colored 50lbm 20# 24lbm	BOISE FREDERICK P140204	454			\$0.00
BOISE RECYCGRAPHIC colored 50lbm 20# 24lbm					
<b>GROUP 2: RECYCLED OFFICE PAPER ESTIMATED TOTAL BIDDING PRICE</b>					<b>\$0.00</b>

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pop-quiz

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- State agencies are REQUIRED to purchase recycled office paper?
  - true
  - false

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Energy-efficient vehicles  
HAR §3-122-13(c)

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- Specifications for purchasing or leasing motor vehicles shall be in compliance with HRS §103D-412
- Hawaii Government Vehicle Purchasing Guidelines (DBEDT): <http://energy.hawaii.gov/> > Energy Efficiency > Lead By Example for Government Agencies > Vehicle Purchasing Guidelines

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Guard Services  
HRS §463-10.5

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- Effective July 1, 2013, all guards, agents, operatives, and assistants who act in a guard capacity shall apply to register with the board, and meet the following registration, instruction, and training requirements prior to acting as a guard:
  - 18+ years old;
  - High school education or equal;
  - No psychiatric or psychological disorder; and
  - Have not been convicted of a crime,

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### Other Statutes to Consider

- HRS §103D-407 Construction projects, roadway materials, recycled glass content requirements.
  - Act 22, SLH 2011 - May purchase roadway materials with minimum recycled glass content; may use a minimum of ten percent crushed glass aggregate
- HRS §103D-408 Indigenous and Polynesian introduced plants; use in public landscaping.
- HRS §103D-409 Provisions for pollution control.
- HRS §103D-410 Energy efficiency through life-cycle costing.
- HRS §103D-411 Value engineering clauses.

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### Specification Preparation/Writers

- A contractor paid for services to develop or prepare specifications or work statements shall be precluded from submitting an offer or receiving a contract for that particular solicitation.
- Specifications prepared by architects, engineers, consultants and others for public contracts, shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the State's needs and shall not be unduly restrictive.

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### Agenda

- Procurement 101
- Specifications
- **Scope of Work** ←
- Word Selection

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### Scope/Statement of Work: Defined

- **Scope of Work** or **Statement of Work** = a description of the requirements of services to be performed. The scope of work may include material requirements to perform the needed services.

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### Scope of Work: Inclusions

- Background of the procurement
- Objectives
- Contractor's tasks
- Deliverables
- Dates/deadlines
- Department responsibilities

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### Scope of Work: Characteristics

- Consistent, simple and exact
- Easy to read and understand
- Easy to revise
- Categorized
- Organized with a good numbering system.

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### Questions to Consider

- Who will be responding?
- Will my scope restrict my competition?
- What do you want the offerors to know?
- How detailed and exact should my information be?
- What questions may come up?
- What are you buying?

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### Agenda

- Procurement 101
- Specifications
- Scope of Work
- **Word Selection** ←

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### Key Words

- **Must** and/or **shall** – whenever a specification expresses a requirement *binding* on either contractor or the department/agency.
- **Will** – to express a declaration of purpose on the part of the purchaser.
- **Should** and/or **may** – to express non-mandatory provisions

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### Use of terminology

- “The Contractor \_\_\_\_\_ deliver bags within 10 days of receipt of order.”
- “Offeror \_\_\_\_\_ provide at least three (3) references where they have provided same or similar work.”
- “Offeror \_\_\_\_\_ provide proof of their Certificate of Liability Insurance.”

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### pop-quiz

- If you *require* the Offeror to be HCE compliant prior to award what word should you use?
  - ▣ Offeror **SHALL** be HCE compliant
  - ▣ Offeror **MAY** be HCE compliant
  - ▣ Offeror **SHOULD** be HCE compliant

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### Selecting Words

- Use simple language; choose simple words over complex ones.
- Don't need to impress.
- Say what you mean.
- Be clear on what you mean.
- Limit wordiness

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### Selecting Words: Sample

- Which is easiest to read and understand:
  - Empty trash cans.
  - All 10 gallon, 30" high trash receptacles shall be emptied into the buildings 4 cubic yard metal container at least 5 times a week at approximately 10AM sharp. Replace all liners with quality, extra-thick, black, low density polyethylene, 24"Wx30"L, 1 mil gauge plastic liners. Contractor shall furnish all labor, equipment (including liners) and supplies necessary to perform services.
  - Empty trash cans into the building's refuse bin 5 times a week. Replace receptacle liner when the existing bag is leaking, torn, or unsanitary. Contractor shall furnish all labor, equipment (including but is not limited to: cleaner, disinfectant, bags) and supplies necessary to perform services.

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### Contractor vs. Offeror

- Contractor – after the contract is awarded
- Offeror – Entity that is responding to the solicitation
- Specify which is responsible for what and the consequence, if any.
  - Consequences for Offerors:
    - Delay award/execution of contract
    - Non-responsive & offer rejected
  - Consequences for Contractors:
    - Breach of contract
    - Liquidated Damages
    - Terminate Contract

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### Terms and Acronyms

- Use terms and acronyms with a specific meaning to the solicitation.
- Capitalize acronyms.
- Keep acronyms to a minimum.

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### Terms and Acronyms: Sample

- Which is easiest to read and understand:
  - ▣ The TP shall be FB 2-ply with SS APX 4" x 4" to fit SSD, with 500 SPR, and 9 RPC. DLVY shall be to the SPO.
  - ▣ The Toilet Paper shall be fully bleached 2-ply with sheet size approximately 4" x 4" to fit standard sized dispensers, with 500 sheets per roll, and 9 rolls per case. Delivery shall be to the State Procurement Office.
  - ▣ The Toilet Paper shall be fully bleached 2-ply with sheet size approx. 4" x 4" to fit standard sized dispensers, with 500 sheets/roll, and 9 rolls/case. Delivery shall be to the SPO.

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### Writing Style

- Expository style
- Active voice
- Shorter words/phrases
- Parallel structure

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### Writing Style: Expository

- Used to inform, describe or explain.
- Sentence structures:
  - ▣ Long sentences (about 35 words) are usually harder to understand.
  - ▣ Too many short sentences (about 10 words) may make writing sound choppy.
  - ▣ Continual medium-length sentences (15-20 words), can be monotonous.
  - ▣ Keep your average sentence length of about 20 words.

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### Writing Style: Active vs Passive

Passive sentence	Active sentence
The meetings will be held monthly by the Contractor's management team.	The Contractor's management team will conduct monthly meetings.
Questions will be addressed by the named contact person on the solicitation.	The contact person named in the solicitation will respond to inquiries.
Timeline for project schedule shall be submitted.	Offeror shall provide a written timeline for the project schedule.

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### Writing Style: Shorter Words/Phrases

Instead of	Use
Prior to	Before
Subsequent to	after
In the event of	if
In the amount of	For or of
On a daily basis	Daily
In reference to	About
In order to	To
Due to the fact that	Because
At this point in time	Now
Each and every one	all

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### Writing Style: Parallel Structure

Non-Parallel	vs	Parallel
Please complete the form, sign it and then it should included in the proposal.		Complete the form, sign it, and include it in the sealed proposal.
The offer shall include insurance, tax, and reimbursing costs.		The offer shall include liability insurance, all applicable taxes and cost reimbursements.
The Contractor is required to sweep the floor, water plants, and to empty trash cans into the buildings refuse bin.		The Contractor shall sweep the floor, water plants and empty trash cans into the buildings refuse bin.

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### Writing Style: Extras

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- State requirements only one time.
- Use the same noun consistently to describe a person, function, action, item or organization.
- Be consistent in wording or phrasing.
- Clearly state when any enhancements or add-ons are optional and under what conditions they may be used under the contract.

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### Specifications & the Procurement Process

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Effect on:	Poorly Written Specs:	Well Written Specs:
Number of offerors	<ul style="list-style-type: none"> <li>• Overly broad or restrictive specifications                             <ul style="list-style-type: none"> <li>• Deter potential offerors</li> <li>• Increase costs</li> </ul> </li> <li>• Decrease chance of desired results</li> </ul>	<ul style="list-style-type: none"> <li>• Complete, clear, concise specifications</li> <li>• Attract many qualified offerors</li> </ul>
Evaluation process and protests	<ul style="list-style-type: none"> <li>• Easily misinterpreted</li> <li>• Open to challenge and protest by unsuccessful offerors</li> </ul>	<ul style="list-style-type: none"> <li>• Sharp, specific criteria                             <ul style="list-style-type: none"> <li>• Easier to evaluate</li> </ul> </li> <li>• Provides resource to debriefing and possibly minimize protests</li> </ul>
Offeror risk	<ul style="list-style-type: none"> <li>• Unreasonable requirements can be at a higher risk and higher cost</li> </ul>	<ul style="list-style-type: none"> <li>• Reasonable requirements lower assumption of risk by offeror</li> </ul>
Type of contract	<ul style="list-style-type: none"> <li>• Uncertain amount of effort leads to cost-reimbursement contract <small>(FAR §3-122-127)</small></li> </ul>	<ul style="list-style-type: none"> <li>• Leads to a firm, fixed price contract <small>(FAR §3-122-136)</small></li> </ul>
Administration of contract	<ul style="list-style-type: none"> <li>• Unclear, inaccurate specifications lead to management problems</li> </ul>	<ul style="list-style-type: none"> <li>• Leads to more control and easier administration</li> </ul>

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### Overview

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- Taxpayers Money
- Spec out what you need.
- Be clear and concise.
- Other requirements: HCE, Liability Insurance, Delivery

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State Procurement Office		
Point of Contacts		
Donn Tsuruda-Kashiwabara	586-0565	<a href="mailto:donna.tsuruda-kashiwabara@hawaii.gov">donna.tsuruda-kashiwabara@hawaii.gov</a>
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Thank you!

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