

Specification Drafting Tips

- **Draft specifications for the appropriate procurement method**
 - Requests for proposals
 - Use minimal mandatory specifications (stay away from words like “will”, “shall”, “must”, “minimum”, and “maximum” to the greatest extent possible)
 - Use maximum desirable, scorable items (use words like “could”, “should”, and “preferred”)
 - Award to high score (sum of scores for technical and cost)
 - Requests for Quotations
 - Use mandatory specifications to set the standard of quality needed (use words like “will”, “shall”, “must”, “minimum”, and “maximum” to the greatest extent possible)
 - Award to lowest bid (based on cost only) meeting those standards
- **Clearly describe the desired commodity or service**
 - Include enough information to get a product/service that will accomplish the agency’s objective
 - Ensure that specifications do not favor a brand or vendor; if brand name is used, must say “or equal” unless a standard has been identified through the standardization process
 - If using a “brand name or equal” specification, establish a basis for equivalency comparison (this means including specifications separate from the “brand name or equal” specification that identify the functionality needed; what does it need to do?)
 - Use minimums, maximums, or ranges to allow for competition
 - Understand the industry/commodity/service and use appropriate industry terms
- **Ensure other critical contract terms are included and reasonable (cannot have a contract without them, and they establish vendor expectation and contractual obligation)**
 - Quantity – include either actual or estimated quantity
 - Time – include actual date or time frame for performance
 - Delivery – include delivery location and timing information (make sure delivery time is reasonable)
 - Legal – include any other requirements mandated by law (Example: HIPAA)
- **Ensure that your specifications have incorporated changes from prior solicitations**
 - If vendor questions or protests from previous solicitations or contracts caused changes to specifications, those changes should be incorporated into subsequent solicitations/bids for that commodity/service
- **Price evaluation**
 - Pricing calculations must match what is written in the specifications
 - *Example: Avoid specifications that call for award to “Grand Total” in the specifications and “Overall Total” on the pricing page*
 - All pricing must be included in the cost evaluation
 - *Example: Optional pricing or extra fees not included in the price evaluation are prohibited*
 - Pricing must allow for fair comparison
 - *Example: Evaluating on price per bottle when vendor bottle sizes may differ could lead to an unfair cost evaluation*
- **Eliminate “with the bid” requirements wherever possible**
 - Information can be obtained prior to award in most cases and “with the bid” can lead to unwanted disqualification
- **General drafting best practices**
 - Avoid ambiguity (words that have more than one meaning)
 - Be consistent (refer to the same thing the same way every time)
 - Avoid contradictory requirements (FOB Seller and FOB Buyer in same document)
 - Avoid spelling, grammar, and other errors (Example: “except” and “accept” are not the same)
- **Use the proper requisition type for the anticipated award type when submitting your solicitation**
 - CRQS for CPO or CCT
 - CRQM for CMA