

Specifications

The Illinois Compiled Statutes and the Illinois Administrative Code are the official sources of information. While we make every effort to keep the training current and accurate, there may be a delay in updating the training following changes to the statutes or administrative rules.

Overview

- Definition of Specifications
- Goals of Specifications
- Balance Competing Interests
- Expectations
- Specifications
- Types of Specifications
- Drafting Specifications

DEFINITION OF SPECIFICATIONS

Definition of Specifications

30 ILCS 500/1-15.95

- *Any description, provision, or requirement pertaining to the physical or functional characteristics or of the nature of a supply, service, or other items to be procured under a contract.*
- *May include a description of any requirement for inspecting, testing, or preparing a supply, service, professional or artistic service, construction, or other item for delivery.*

Definition of Specifications

30 ILCS 500/20-50

- Must be prepared in accordance with the Chief Procurement Office for Public Institutions of Higher Education (CPO-HE) administrative rules.
- Rules must include a prohibition against the use of brand-name only products, except for products intended for retail sale or as specified by rule.
- Must promote overall economy for the purposes intended and encourage competition in satisfying the State's needs and cannot be unduly restrictive.

Definition of Specifications

- National Institute of Governmental Purchasing (NIGP)
 - *A precise description of the physical characteristics, quality, or desired outcomes of a commodity to be procured that a supplier must be able to produce or deliver in order to be considered for a contract.*
- National Association of State Procurement Officials (NASPO)
 - *The requirements for the products or services that will achieve the user agency's desired outcome.*

GOALS OF SPECIFICATIONS

Goals of Specifications



Goals of Specifications

Goal #1

- Obtain bid/proposal that meets all aspects of the specifications at a fair and reasonable cost.



Goals of Specifications

Goal #2

- Fairness to all vendors
- Vendors have the right to be treated equitably

Equitable treatment promotes:

- Competition and lower prices
- Multiple sources of suppliers willing to do business with the State



Goals of Specifications

Goal #3

- Avoid protests



BALANCE COMPETING INTERESTS

Balance Competing Interests



Expressed needs of
the university



Price
Appropriate value
for the money



Public expectations



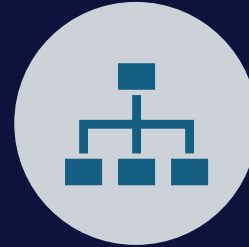
Compliance with
laws and rules

EXPECTATIONS

Expectations



Program staff/using
department



Administration



Board of Trustees



Procurement Staff

Expectations

- Program Staff

I want it all and I want it now!

- Procurement Staff Expectation

You cannot always get what you want,
but you can get what you need.

Expectations

Illinois Procurement Code

State Officials and Employees
Ethics Act

Illinois Administrative Code

Criminal Code

Other Applicable Acts

Expectations

Procurement Communications Reporting Requirement (30 ILCS 500/50-39)

Any written or oral communication received by a State employee who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract and that imparts or requests material information or makes a material argument regarding potential action concerning an active procurement matter, including, but not limited to, an application, a contract, or a project, shall be reported to the Procurement Policy Board ...

<https://ppb.illinois.gov/reports/procurement-communications-reporting.html>

SPECIFICATIONS

Specifications

Developing Specifications (44 ILCS 4.2050)

Accurately reflect need

Incorporated by reference

Alternate descriptions

Article 45 of the Code

Prohibited conduct

Essential and optional

Specifications

Accurately Reflect Need

- Shall
 - Be clearly and precisely describe technical or performance requirements
- Shall not
 - Be unduly restrictive
 - Have effect requiring proprietary supply/service
 - Have effect of requiring procurement from a sole source

Specifications

Incorporated by Reference

Specification or standards adopted by business, industry, not-for-profit organization, or governmental unit may be incorporated by reference. [44 ILAC 4.2050]

Example:

Forward collision warning and lane departure warning



Not a brand name only - Forward collision warning and lane departure are recommended driver assistance technologies by the National Highway Traffic Safety Administration

Specifications

Alternate Descriptions

May provide alternate descriptions when two or more design, functional, performance or other criteria will meet the requirement

Specifications

Article 45 of the Code

Must be considered

Include language on reducing barriers

Specifications

Prohibited Conduct

Cannot require, stipulate, suggest or encourage:

- monetary contribution or other financial contribution
- donation
- cash bonus
- incentive
- economic interest
- other prohibited conduct as explicit or implied term or condition for awarding or completing the contract



The contract/solicitation/specification cannot include a requirement that an individual/ individuals employed by the university receive a consulting contract for professional services.

Specifications

Prohibited Conduct as Used in 44 ILAC 4.2050

Includes

Requested payments or other consideration by a third party to the university ... that is not part of the solicitation or that is unrelated to the subject matter or purpose of the solicitation.

Does Not Include

Payment from the vendor that is supported by additional consideration (such as exclusive rights to sell items or rights to advertise), other than the consideration of the State's awarding a contract to purchase goods and services.

[30 ILCS 500/20-50]

Specifications

Essential and Optional

- Identify what specifications are essential and what are optional specifications
- Identify all options

TYPES OF SPECIFICATIONS

Types of Specifications

Design

Performance

Combination of Design and Performance

Brand Name or Equal

Brand Name

Types of Specifications

Design Specifications

NIGP

A type of specification that established the characteristics an item must possess, including details indicating how it is to be manufactured. A design specification may include engineering plans or drawings and blueprints. It states to the contractor in prescriptive terms what the contractor must provide to the buyer.

Types of Specifications

Design Specifications

- Detailed characteristics an item must possess, including sufficient detail to show how it must be made.

Examples:

- Tabletop must be plywood and three inches thick
- Cell phone must use Code Division Multiple Access (CDMA) and Global System for Mobiles (GSM)

Types of Specifications

Design Specifications

Potential Advantages

- Little scope for misunderstanding
- Evaluation should be more straightforward as price can be a greater deciding factor
- Emphasizes critical requirements

Potential Disadvantages

- Technical specifications may take longer to prepare
- Discourages innovation
- Puts more risk on the University
- If specification is incorrect, University will have to pay for variations
- Greater change of over-specifying and therefore increasing the price unnecessarily

Types of Specifications

Performance Specifications

NIGP

A type of specification that describes the desired outcome of a service or intended use of a good and how the good will perform (e.g. number of items, distance to travel, time required).

Types of Specifications

Performance Specifications

- Focus is on outcome or results
- Establishes the capabilities the item must have, and the performance levels the item must meet

Examples:

- Cell phone must operate in the United States and Europe
- Tabletop must support 500 pounds

Types of Specifications

Performance Specifications

- Potential Advantages

- Suppliers have greater opportunity for innovation
- Specifications require less effort to produce
- More opportunity to pass risk onto the supplier
- University can specify outputs that can easily be monitored
- Likely to be a wider choice of suppliers

- Potential Disadvantages

- Generally, requires a more proactive approach to monitoring
- May make evaluations more difficult

Types of Specifications

Combination of Design and Performance Specifications

- Most specifications may be a combination of design and performance

Examples:

- Performance Specification - Traffic warning light must be visible in full sun at 600 feet. The light enclosure must be durable and warranted for seven years.
- Design Specification - To meet green initiatives, the warning lights must be exclusively LED. The LEDs must be housed in a square enclosure made of recycled plastic.
- Brand Name specifications may also have design and performance elements

Types of Specifications

Brand Name or Equal Specification

No specification for a common or general use specification or qualified products list is available;

Not enough time for another form of specification;

Nature of product or requirement makes it suitable for procurement; *or*

University determines circumstance shows most reasonable type of specification

Types of Specifications

Brand Name or Equal Specification

44 ILAC 4.15

A specification that uses one or more manufacturers' names or catalogue numbers to describe the standard of quality, performance and other characteristics needed to meet university requirements and that allows the submission of equivalent products.

Types of Specifications

Brand Name (or Equivalent)

NIGP

One or more manufacturers' brand names, with identifying model numbers, used in a specification to invoke certain quality, performance, and other salient characteristics needed to meet solicitation requirements.

Types of Specifications

Brand Name or Equal Specification – 44 ILAC §4.2050(c)

- Seeks to designate more than one brand as “or equal”
- States substantially equivalent products
- Includes required description of particular design, functional, or performance characteristics
- Includes explanatory language that the use of brand name is for the purpose of describing standard quality, performance, and characteristics desired and not intended to limit or restrict competition

Types of Specifications

Brand Name or Equal Specification - 44 ILAC §4.2050(c)

- “Or equal” submissions with minor differences in design, construction or features that do not affect the suitability of the product for its intended use cannot be rejected due to these reasons
- Vendor has the burden of proof that the product is equal

Types of Specifications

Brand Name

44 ILAC 4.15

A specification limited to one or more items by manufacturers' names or catalogue numbers.

Types of Specifications

Brand Name

NIGP

Name, term, symbol, design, or any combination thereof used in specifications to describe a product by a unique identifier specific to a particular seller or manufacturer that distinguishes it from its competition.

Types of Specifications

Brand Name Only Specification - 44 ILAC §4.2050(d)

Fill medical prescription
needs

Stock university retail-type
operations

Ensure compatibility in
existing systems

Preserve warranty

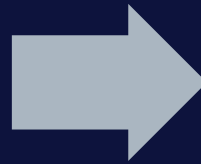
Ensure maintenance

Other

Types of Specifications

Brand Name Only Specification

University must complete Brand Name Only Specification form and submit it to SPO



SPO determines whether Brand Name Only specification may be used

Types of Specifications

Brand Name Only Specification

Available on the CPO-HE website



BRAND NAME ONLY SPECIFICATION

Bid Number: Buyer:

Bid Due: Brand Name:

Description:

In accordance with Section 4.2050 of the Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement Rules and pursuant to the requirements of the Illinois Procurement Code (30 ILCS 500/20-50), the University is requesting to use a Brand Name Only specification for the following reason:

- ☐ To fill medical prescription needs
- ☐ To stock university retail-type operations
- ☐ To ensure compatibility in existing systems
- ☐ To preserve warranty
- ☐ To ensure maintenance
- ☐ Other If other, please specify:

For all reasons given, explain why the use of Brand Name Only specification is necessary (attach additional documentation if needed):

☐ Supplemental documentation attached

University Representative

Signature: Title: Date:

Printed Name: Email: Phone:

State Purchasing Officer Determination

☐ I have reviewed and agree with the University justification and it is my determination that a Brand Name Only specification may be used for this transaction.

☐ I have reviewed the University justification and it is my determination that a Brand Name Only specification may NOT be used for this transaction (explain in comments).

SPO Comments:

SPO Signature: Printed Name: Date:

Email: Phone:

Page 1 of 1 Brand Name Only Specification Form Ver. 26.1

DRAFTING SPECIFICATIONS

Drafting Specifications



Drafting Specifications

Identify the real need

Why do you need this?

Why did you say that?



Drafting Specifications

- Effective Specifications

- Accurate
- Clear
- Competitive
- Comprehensive
- Legal
- Simple

- Common Problems

- Inconsistencies
- Restrictive
- Shall (expresses what is mandatory)
- Grammar
- Other considerations

Drafting Specifications

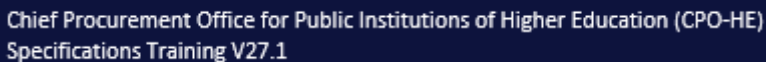
Writing Specifications

Acronyms, buzzwords and jargon
Ambiguities
Conflicting language
Excessively long sentences
Fancy words
Generalized language
Grammar and spelling errors
Inconsistencies
Inexact words such as “similar”
Missing or incomplete text
Numbering errors
Poor organization
Redundancies
Typos
Vagueness

Responding to Specifications

Acronyms, buzzwords and jargon
Ambiguities
Conflicting language
Excessively long sentences
Fancy words
Generalized language
Grammar and spelling errors
Inconsistencies
Inexact words such as “similar”
Missing or incomplete text
Numbering errors
Poor organization
Redundancies
Typos
Vagueness

Bad Specifications
=
Bad Proposals



Thank you



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