### 3.2.1.2 Unrestricted Competitive Specifications

<table>
<thead>
<tr>
<th>Policy Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestrictive competitive specifications allow for full and open competition between vendors as the specifications do not restrict the items being purchased to a specific brand or source, rather they identify the users’ minimum needs. For unrestricted competitive specifications, the person initiating a purchase should identify the minimum products and/or service requirements related to the purchase. These may include performance specifications, design specifications, references to particular products for reference purposes only, use of qualified product lists, and performance and service requirements. In order for a supplier to be considered responsive, the supplier’s bid must meet all of the identified specifications and requirements. Therefore, care must be used in developing and writing specifications and requirements to ensure competition is not unreasonably or unnecessarily restricted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reason for policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>This policy provides guidance related to the proper development of specifications in an unrestricted competitive purchase.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>A good specification should be:</td>
</tr>
</tbody>
</table>

1. **Accurate** – specifications should reflect exactly what is needed and describe the item or service based on specific standards, measurements, or performance.

2. **Brief** – specifications do not include vague or unnecessary wording and uses easy to understand, shorter words.

3. **Clear** – specifications communicate clearly and without confusion.

4. **Capable of being met by several sellers when possible without a major sacrifice in quality.**

5. **Identifiable, when possible, with some brand or specification already on the market.**

6. **Capable of being checked.** It should describe the method of checking which will govern acceptance or rejection. A specification which cannot be checked is of no value, and methods vary in accuracy.

7. **Reasonable in its tolerances when minimums, maximums, and acceptable ranges are specified.**

8. **As fair to the seller as possible.**

A specification is no more than an accurate description of the material to be purchased. There are many forms of specifications, including:

1. **Brand or trade name and model number or approved equal**

There will be situations where a brand is only preferred and another equal brand is acceptable. In these instances, the purchase can be made using "brand name or approved equal" specifications. A brand name and model number designates a specific product of a manufacturer as an example of the quality level of materials and workmanship desired. Items equaling or surpassing this quality level are understood to be acceptable. When used, brand name specifications should indicate that the brand is used merely as a reference and not as a statement of a preference for the specific product cited. If possible, more than one brand name should be used which are acceptable and meet specifications. In addition, brand names used should be known throughout the industry and have specifications that
are readily available. The specification must name the salient characteristics which are to be used in comparing brands and determining the award, but also must clearly state if there are additional requirements that will be considered in determining responsiveness and responsibility and that the salient factors are not the total consideration. This is accomplished by determining the minimum acceptable requirement levels or tolerances for the following: significant features, performance, quality, service availability, and compatibility. Use of manufacturer's descriptive literature (cut sheets) is NOT ACCEPTABLE for the specifications and salient characteristics.

2. Blueprint or dimension sheet.

3. Chemical analysis or physical properties.

4. Description of material and method of manufacture (Design Specification) means a specification establishing the characteristics an item must possess, including sufficient detail to show how it is to be manufactured.

5. Description of purpose or use (Performance Specification)

The purchaser may use a performance specification. A performance specification is less concerned about how a product is made and more concerned about how well it performs and the life cycle cost. For example, when writing a performance specification for a press, the specifications could be as follows:

The press will be capable of producing 5000 copies per hour, have duplexing capability, handle up to 5 color jobs, etc. Departments will be asked to review bids for "equal" products. Bids for "equal" products may be rejected if they are truly not "equal". A justification must be provided for rejection of an "equal" and such justifications are most easily accepted when the differences between the preferred brand and the "equal" brand are easily measurable (e.g.: height, width, thickness, weight, accessories, functions) and can be easily related to the purpose of the purchase.

6. Identification with specifications known generally to the trade and to the seller. (i.e patents, trademarks, industry standards such as American Society for Testing and Materials [ASTM]).

7. Sample – occurrences where UGA would provide a sample along with specifications to potential bidders.

8. Combination of two or more of the above. (In a combination specification, it is important to state which type governs in the event of inadvertent conflicts.) The most common combination is performance and design specifications.

Additional contacts
Procurement Office Staff 706-542-2361

Policy definitions
1) Responsive means the vendor, whether a company or an individual, has submitted a timely offer which materially conforms to the requirements and specifications of the bid.

2) Responsible means the vendor, whether a company or an individual, has appropriate legal authority to do business in the State of Georgia, a satisfactory record of integrity, appropriate financial, organizational and operational capacity and controls, and acceptable performance on previous governmental and/or private contracts, if any. Examples of non-responsible vendors include, but are not limited to, a bidder's history of nonperformance or performance problems on other contracts (public or private), a record of financial difficulty, business instability, criminal sanctions, civil sanctions, and/or tax delinquency.

3) Specifications describe the physical, functional characteristics, or the nature of a product, service or construction item. It outlines the requirements that are to be satisfied by the supplier.

Responsibilities
**Responsible University Senior Administrator:** Vice President for Finance & Administration

**Responsible University Administrator:** Procurement Officer

**Policy Owner:** Procurement

**Policy Contact:** Annette Evans

**Phone Number:** 706-542-2361

**Responsibilities:** The purchaser is responsible for creating the initial set of specifications to ensure their needs are met. However, the procurement specialist will review the specifications and determine if the specifications need more information or are too restrictive. In this situation, the purchaser will be expected to assist the procurement specialist in modifying the specifications so their need is adequately identified without being too restrictive.

---

**Record Retention**

Specifications are maintained with the purchase orders and their record retention requirements may vary by the products/services being purchased (construction, public works, products, services, etc.)

Retention: 11 years or 7 years, BOR 072-03-009

**Related information**

Date Reviewed: 02/01/2018

Previous Version of Policy: