

## **SECTION 4**

### **SPECIFICATIONS, BID INVITATION AND AWARDS**

#### **4.0 PURPOSE**

To establish guidelines for the development and use of specifications.

#### **4.1 SCOPE**

This section applies to all persons who may prepare specifications for County use.

#### **4.2 TYPES OF SPECIFICATIONS**

Specifications take many forms, some of which are more complex than others. The three major types of specifications are:

- **Performance**
- **Design**
- **Combination of Performance and Design**

Technical specifications are designed to assist the Purchasing Department and requisitioning department to ensure that the quality and service will fulfill the requirements for which the equipment, materials, commodities or services are intended.

#### **4.3 RESPONSIBILITY FOR SPECIFICATIONS**

- A. Purchasing Department maintains a library of current specifications through the National Institute of Governmental Purchasing (NIGP) for equipment, commodities, materials and services.
- B. The originating department will prepare the technical specifications for equipment, materials, commodities or services in coordination with the Purchasing Department.
- C. The Director of Purchasing may make modifications or alterations to the specifications to accommodate competitive bidding. The Director of Purchasing will furnish a written report of the recommended changes and the need for the changes to the originating department.
- D. Should the Director of Purchasing and requesting department fail to resolve the differences; the specifications will be referred to the County Administrator or designee for resolution.

## 4.4 POLICIES

### A. General

The purpose of a specification is to serve as a basis for obtaining a supply or service adequate and suitable for the County's needs. This should be done in a cost effective manner, taking into account the total cost of ownership and operation, as well as the initial acquisition cost. It is the policy of the County that specifications permit maximum practicable competition consistent with this purpose. Specifications should be drafted with the objective of clearly describing the County's requirements.

### B. Design/Performance Specification

Specifications should, to the extent practicable, emphasize functional or performance criteria while limiting design or other physical descriptions to those necessary to meet the needs of the County. To facilitate the use of such criteria, originating departments should endeavor to include as part of the principal functional or performance needs to be met.

### C. Reference-Bidders Qualification and Experience

Bidders may be required to furnish evidence of qualifications and past experience in the type of work as outlined in the specifications, to include specific experience for a particular services or project.

All bidders must possess the necessary licenses to perform the required work.

### D. Pre-Qualification Requirements (See Section 13)

### E. Familiarity With Laws

The bidder is expected to be familiar with all Federal, State and Local laws, Ordinances, Codes, Rules and Regulations that in any manner affect the work. Special attention is called not to, but limited to, the Americans with Disabilities Act (ADA) and the local environmental ordinances. Ignorance on the part of the bidder in no way relieves the bidder from the responsibility of compliance with all said laws, ordinances, rules and regulations.

### F. Commercially Available Products

It is the general policy of the County to purchase standard commercial products whenever practicable. In developing specifications, accepted commercial standards should be used, and unique requirements should be avoided to the extent practicable.

### G. Permits

The Contractor is responsible for obtaining any permits necessary to complete the work covered by an order at its own expense prior to starting any work under an order.

#### 4.5 DEVELOPMENT OF SPECIFICATIONS

- A. The purchase description or specification should include the essential physical and functional characteristics necessary to express the minimum requirements of the County, such as:
1. Common nomenclature
  2. Kind of material, (i.e., type, grade, class, alternatives, etc.)
  3. Electrical data, if necessary
  4. Dimensions
  5. Size or capacity
  6. Principles of operation
  7. Environmental conditions
  8. Intended use, including location, operating conditions, and acceptable product levels within the range of products available in the commercial marketplace
  9. Equipment with which the item is to be used
  10. Other pertinent information that further describes the commodity or service required.
- B. The following **are guidelines** for the preparation of a specification:
1. State exactly what is desired in clear and concise terms.
  2. Provide the means or basis for monitoring deliveries for conformance with the specifications.
  3. Avoid non-essential quality restrictions that add to cost and difficulty in procurement without adding to utility and value.
  4. Avoid definitions that unnecessarily restrict competition.
  5. Conform to established commercial and industrial standards.

#### 4.5 **DEVELOPMENT OF SPECIFICATIONS** - Continued

##### C. **Alternate Specifications**

Alternate Specifications involving two or more designs, functional or performance criteria may be proposed if they will satisfactorily meet the County's requirements and are permitted in bid documents.

##### D. **Contractual Terms - Not to be Included**

Specifications must not include any solicitation or contractual terms or conditions such as the time or place for the bid opening, time of delivery, payment, liquidated damages, or qualification of bidders. These clauses shall be included in the appropriate sections of the bid package, i.e., Instructions to Bidders, Terms and Conditions, etc., which are the responsibility of the Purchasing Department.

##### E. **Use of Existing Specifications**

If a specification for a common or general use item has been developed, or if a qualified products lists has been developed for a particular commodity or service, it must be used unless the Director of Purchasing or the director of the originating department makes a determination that it is not in the County's best interest and that other specifications should be used.

##### F. **Brand name or Equal**

Brand name or equivalent specifications may be used in identifying product when it is determined that:

1. No other design or performance specification or qualified products list is available;
2. Time does not permit the preparation of another form of purchase description not including the brand name;
3. The nature of the product or the nature of the County's requirements makes use of the brand name or equivalent specification suitable for the procurement; and
4. The use of brand name or equivalent specifications is in the County's best interest.

##### G. **Designation of Several Brands**

Brand name or equivalent specifications should designate three (3), or as many different brands as are practicable, as "or equivalent" references and must state that the substantially equivalent products designated will be considered for award.

#### 4.5 DEVELOPMENT OF SPECIFICATIONS - Continued

##### H. Qualified Products List (QPL)

A qualified products list may be developed when testing or examination of commodities prior to issuance of the solicitation is desirable when necessary to best satisfy the County's requirements. When developing a QPL, a representative group of potential suppliers must be solicited in writing to submit products for testing and examination to determine acceptability for including on a qualified products list. Any potential supplier, even though not solicited, may offer a product for consideration. Inclusion on a QPL must be based on results of tests or examinations conducted in accordance with prior published requirements.

##### I. Detail of Specifications

Bids and quotations should be based on concise but adequate specifications. Lengthy specifications composed or designed solely for the purpose of eliminating competition other than those able to supply a particular brand name should not be used except when no other type of specification can be drawn. Specifications should be detailed to provide a basis for full and fair competitive bidding upon a common standard and should be free from any restrictions, which would limit competition.

##### J. Revision of Specifications Due to Budget Constraints

Should it be determined, after bids have been opened, that the bid received exceeds the budgeted amount and additional funds are not available, bids may be rejected. The scope of the specifications may be revised in an effort to comply with the established budget and revised specification.

#### 4.6 PRE-BID/PROPOSAL CONFERENCE

##### Policy

The pre-bid/proposal conference is a meeting of potential bidders or offerors, the Procurement Analyst and originating department technical representative(s).

The Invitation for Bid/Proposal stipulates the time, date, and location of the pre-bid/proposal conference, which should be as soon as possible after the issuance of invitations and will indicate whether it is mandatory or non-mandatory requirement. The Purchasing Department is responsible for coordinating with the department the appropriate date for the conference and conducting the conference.

At the pre-bid/proposal conference, the department technical representative(s) and Procurement Analyst shall review the specifications in detail, explaining the scope, objectives, and techniques as part of the **conditions** therein. Clarification may be provided at the conference so long as the specifications or conditions are not altered to the advantage of a bidder.

#### 4.6 PRE-BID/PROPOSAL CONFERENCE – Continued

##### Policy – Continued

Those areas of concern raised about specifications, conditions, or alternatives are addressed as soon as possible after the completion of the conference by Purchasing and originating department. When a decision is made to change the specifications, all bidders are formally notified by a written addendum to the Invitation to Bid or Request for Proposals.

A mandatory pre-bid/proposal conference may be required at the discretion of the County when deemed to be in the County's best interest to do so. The originating department will justify the need for such a requirement to the Purchasing Director. Mandatory conferences are held to ensure that potential vendors understand the complexity of the project or scope of service needed to provide the work therein. Mandatory conferences may however, hinder completion. If a specification is written concisely, there should be very little need for a mandatory conference. The mandatory conference shall be included in the public announcement.

##### Procedures

- A. During the pre-bid/proposal conference, the specifications are thoroughly reviewed and discussed with **all parties** in attendance. Subsequent to the conference, any changes to the specification will be reflected in an addendum prior to bid/proposal Submittal. No changes to the specifications may be made unless all prospective bidders are notified by an addendum clearly identifying such changes (see Section 4.8 on Issuance of Addenda).
- B. Once a decision has been reached on the essential changes to the specification, all bid/proposals must be based upon the revised specification and no substitutes will be granted without prior approval from the County.

#### 4.7 SITE VISITS/INSPECTIONS RELATIVE TO SPECIFICATIONS

It may be a requirement for Bidders to inspect the proposed work location prior to bidding. Department Representative(s) will be available to direct Bidders to the general work areas by appointment.

Bidders are required to contact the appropriate Department Representative and set up a site visit for each location listed; this information is provided in the bid document. The assigned Representative(s) are authorized to approve by signature the Site Visit Certification form, which should be submitted with the Bidders proposal/bid.

The site visit may be conducted by the originating department and may be included in the pre-bid/proposal conference. The site visit allows the potential vendor to become familiar with a particular location in which the work is to be performed. A site visit certification is to be signed and issued to the vendor by an authorized representative of the originating department. The vendor is to include the signed site visit verification in the bid/proposal Submittal.

## 4.8 ISSUANCE OF ADDENDA

### Policy

Occasionally after bids/proposals are solicited, but prior to bid opening or submittal time, changes to the specifications, delivery schedules, quantities, etc. may be needed. Ambiguous provisions need to be clarified, or errors and oversights corrected which may or may not have been brought to the attention of the Purchasing Department by the potential supplier.

Verbal changes must not be made, and interpretations of a material consequence must not be made verbally to potential bidders. All bidders who have received an Invitation to Bid or Request for Proposal must be informed officially in writing by a bid/proposal addendum of any such changes that are made. This action is necessary to assure that all bidders are bidding on the same basis and have the same information and understanding of the requirements (see Section 6 concerning vendor inquiry and request for clarification).

### Procedures

The following requirements must be met for issuance of an addendum:

- A. Originating Department representative(s) or project manager shall submit to the Purchasing Department for review and approval all proposed addenda.
- B. All addenda must be signed by the Director of Purchasing or designee, processed on Pinellas County Letterhead and reference the Bid/RFP title and number except when otherwise stated.
- C. **In no instance shall consultants, working on behalf of Pinellas County, issue an addendum without the prior review and approval of the Purchasing Department.**
- D. The Purchasing Department shall process the proposed addenda promptly upon receipt. The distribution of the addenda may be handled by the Department and/or Purchasing, if deemed appropriate.

Prior to issuing of an addendum, Purchasing and the originating department must consider the period of time remaining until bid opening. If additional time is likely to be required by a bidder, the addendum should extend the opening date for a reasonable period of time to obtain the greatest level of competition and fairness to the potential bidder.

The bidders may be notified electronically or telephonically within five (5) working days (unless otherwise stated) of the scheduled bid opening date. A written confirmation will suffice as a means of notification to the vendor. When time is not available to notify bidders of changes in the bid date prior to the scheduled bid opening, the Purchasing Department shall provide written notification to all bidders at the scheduled bid opening prior to opening bids.

Bidders must acknowledge receipt of all addenda in their bid submittal at the designated time, date, and location. Bids may be rejected due to failure of vendors to acknowledge receipt of addenda. The Purchasing Director, however, has discretion to not consider addenda material to a bid process and may consider a bid responsive without addenda acknowledgement.