

Scope and Specification Writing – Have It *Your* Way

By LaTasha Terry and Zachary Yarbrough



If it's your first time writing Specifications or a Scope of Work (SOW), fear not! We've boiled down an expansive and intensive array of information to get you started with the basics. So, what are the scope and specs? Specification is a detailed description of the design and materials used to make something. A SOW is a combination of goals, deliverables, features, functions, tasks and deadlines. In other words, the Specifications and SOW are how we tell the Contractor "who does what", "what does it do" and "how many". This is the basis for procuring a good, service or construction item.

Well, thanks, MMO, but how do I write one? Firstly, know the current state of your need. If you can accurately describe what your need is, with the color, size, weight, amount etc., you may be leaning towards an Invitation for Bid. On the other hand, if it's easier to describe what the problem and the end goals are, you may be leaning towards a Request for Proposal (RFP). There are many avenues in between, but for the sake of this article, we will focus on these two.

For IFBs, you'll have to spell out exactly what your need is. How many gigabytes of memory does it contain? How many times will they be picking up the trash? Does it have three or four wheels? If you've ever written an email, you may be aware that words are deceiving sometimes and they can be understood in different ways. So, be mindful that something with two wheels and a handle could either be a brand-new wood-fired smoker, or a slightly used dumpster.

For RFPs, you can be a little more lax with the specifics and describe generally what your current state is and what you want to achieve. For example: *I have this slightly used dumpster and I need it to be a wood-fired smoker. Oh, and it needs Wi-Fi!* You will still need to describe who is responsible for what, regulations that need to be followed and what would be considered acceptable.

The most important thing (element) about buying stuff (goods or services) are the words you use. Here are some key pointers for how to write your specs and SOW:

1. Always use clear and concise language. Use spell check, and check your Flesch-Kincaid Grade Level. This is a good indication of the grade level of the person who can read your document. You may be surprised but a lot of people read on an 8th grade level. So, dumb your document down if the score is too high. This will ensure people can read your document without needing a dictionary or thesaurus.
2. Make sure you're using "must", "will", and "shall" when it is a mandatory requirement that a vendor/contractor has to perform. Use "should" or "could" when it is a requirement that a vendor/contractor might have to perform. Try to stay away from "may", "expect", "intend" or "have the ability to" because they are not requirements and aren't enjoyable to Procurement Officers.

Now let's practice, which of these would be more proper to utilize in a solicitation?

- A. The Contractor must have the ability to provide a dichotomy of alloy transference services with which the State expects to utilize with regard to its Dumpster to Smoker Program.
- B. The Contract shall modify the State's dumpsters into functional smokers.

If you chose B, we applaud you. If you chose A, please re-read the previous several paragraphs and talk to us after class.

Now what if this is the first time buying a service or supply? Before handwriting a novel of what your Dumpster-to-Smoker Program should be, take a moment to look at these other options for ideas:

1. Use your good ole' friend Google to try to find a solicitation similar to what you're procuring. Do not just copy and paste it. You must edit this document to fit your agency's need. Also, read the amendments from the solicitation. Amendments will point out potential problems with those solicitations or provide your insight on what information the vendor community will need.
2. Talk with the vendor community. Many people may be hesitant to take this step. However, this could be the best option and save you plenty of heartache and pain down the road. The vendor community knows their product/service, and they may already have some specifications which they can provide to you. Please keep in mind you **MUST** speak to more than one vendor. We recommend at least three.
3. Reach out to your peers in the field. They can tell you what did or did not work with their contract, and you can save yourself and agency some blood, sweat and tears.

Now that you have mastered your Scope writing, be mindful of the following:

1. Purchasing agencies may seek to procure standard commercial products and obtain the most advantageous prices.
2. 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.

For further questions or concerns about SOW or Specification writing, please reach out to your neighborhood Procurement Officers.

PTAC SC helps SC businesses to navigate the government marketplace

The Procurement Technical Assistance Center of South Carolina (PTAC SC) is a free resource and federal program that assists SC businesses with competing for government contracts.

PTAC SC prepares South Carolina companies to be knowledgeable and competent in procurement policies and procedures through advising and assisting clients in preparation and submission of registration for doing business with government; advising and assisting clients with the preparation and submission of bids/proposals and post-award functions; bid matching service; marketing products/services to government and prime contractors; and pursuing subcontracting opportunities.

"In just 6 months, PTAC SC has established themselves as a vital tool for businesses looking to grow in South Carolina," said UofSC Office of Innovation, Partnerships & Economic Engagement Executive Director Bill Kirkland. "We look forward to continuing the success of the center and providing more businesses, large and small, with the tools needed to navigate federal, state, and local government contracting.

To date, the Procurement Technical Assistance Center of South Carolina (PTAC SC) is serving approximately 215 clients.

The procurement technical assistance center of South Carolina is funded in part through a cooperative agreement with the Defense Logistics Agency.

PTAC SC is also funded through a partnership with the University of South Carolina and the South Carolina Department of Commerce.

More information about PTAC SC can be found at www.ptacsc.org .



THE SURCHARGES ARE COMING, THE SURCHARGES ARE COMING!



By Michael Speakmon, CPPO

Actually, they're already HERE.

Vendors whose contracts are fuel-dependent (waste management, for example) are already pressing us and some of you for the addition of fuel surcharges. Unless they're specifically allowed, our standard contracts prohibit the contractors from adding any surcharges to our contracts and it is understood that those costs related to transportation are built into the price. Typically, our first inclination is to take a hard line and deny any surcharge request because we need to stick to the terms of the contract. However, these are very unusual times in which we find ourselves, so here is some guidance that will hopefully help you while you are dealing with fuel surcharge requests.

1. Chances are your contract does not include any price adjustment language that can speak directly to this situation. In that case, you'll need to reference the *force majeure* portion of your default clause as your justification to make the change.
2. Find some way to cap the amount of the surcharge. The Contractor may just want you to agree to a specific price per gallon, but that may not be the most accurate way to define the surcharge. Negotiate with the Contractor to specifically define the actual number of miles covered by your contract. For example, it's easy to determine how many miles the Contractor is actually driving their vehicle performing under your waste management contract. Measure the distance from:
 - a. **The facility where they house the vehicle which services your Contract to your location.**
 - b. **If you have multiple pickup sites, like a university or college for example, measure the distance the Contractor travels to service each location on your contract.**
 - c. **Finally, the distance the Contractor must travel from your location back to where they house the vehicle servicing your Contract.**

The Contractor is not going to actually perform this way, but it's an easy option to ensure you're only paying for your portion of the work he's performing daily. And you may be able to limit the surcharge to a flat fee for each day, rather than a per gallon amount. Either way will work.

3. Make it a temporary arrangement. No one knows how long this situation will last, but that doesn't mean we have to commit to a long-term agreement. Once you've negotiated a rate you're comfortable with, have them agree to review the agreement every six months — earlier if need be. See where the market is at each reevaluation period and see if the fee can be adjusted lower.
4. Document. Document. Document. Don't agree to anything that is not captured in a change order to the contract, including the reevaluation terms. A change order protects both the government agency and the Contractor.
5. Once the markets have restabilized to the point where the surcharge is no longer required, strike a final change order to revert back to the original contract pricing.

If it's necessary for you to resolicit a new contract during this timeframe, consider building some surcharge language into the solicitation so you won't need to go through all of this if it happens again. Your situation will dictate the exact terms, but you could let a surcharge kick in based on when the price of fuel gets above a certain amount and determine a max percentage that the Contractor can charge.

We would ask that if you are being told by a statewide term contract provider that they cannot maintain their pricing, or want to add a fuel surcharge, or they make you aware of any other concerns, that you direct them to our office so we can speak with them about a resolution. Any changes in price, procedures or approved surcharges will be clearly explained on our website (procurement.sc.gov) and we will provide updates through *DisPatches*.

Finally, reach out to your procurement professionals at an agency similar to yours to see what solutions they've come up with. Those may be very helpful to you as well. Remember, we're all in this together and you are not the only one facing these issues in these uncertain times. We'll make it through this working together and taking things one contract at a time.

Statewide Contract News

IMPORTANT: B5 Biodiesel Tankwagon Contracts

The information regarding the extension of some B5 fuel contracts in the March issue of DisPatches is incorrect. To be clear, the State has NOT extended any fuel contracts for any zone. The B5 Transport contracts are active and available for use for each zone and we are preparing to resolicit for the B5 Tankwagon contracts. We'll post a notice in DisPatches once the new B5 Tankwagon contracts are awarded. Please contact DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) if you have any questions.

Important Notice Concerning the STC for Merchant Services (March Update)

The South Carolina State Treasurer's Office (STO) executed a new Payment Solutions Agreement (PSA) for Merchant Card processing with SunTrust Merchant Services, LLC (STMS). This new contract replaces Statewide Term Contract 4400011556 (Solicitation 5400007106), also with SunTrust Merchant Services, LLC.

The STO continues to send information to participants regarding executing a new Services Participation Agreement. Please execute and return those agreements as quickly as possible. Once ALL participants are transferred to the new contract, the old contract will be terminated.

NASPO Small Package Delivery Services (March Update)

Our office continues to negotiate with UPS to try and come to a mutual agreement on the terms of our participating addendum to establish a contract with them. At this point, we have done everything required to come to an agreement with UPS, but their response to our last communication with them is that we are basically "in line" with their legal department. We have also reviewed the participating addendums for the three states already contracted with UPS and there are some terms that appear in all three of them that may prove to be challenging for South Carolina, but we'll need to wait and see what UPS provides as a response.

While it is still our intent to contract with UPS, the further along in this process we get the less likely that appears to be possible. We'll keep moving forward but at this point we're playing the waiting game for a response from UPS.

As a reminder, the contract with FedEx is currently active and available for use, and it is a requirement for all governmental bodies, as defined by 11-35-310(18), to use established statewide term contracts when they exist. Failure to use an established statewide term contract may have a negative impact on the governmental body's procurement activities.

John Deere

We received notice from John Deere that they cannot guarantee they will meet the contractually obligated delivery times for some of their equipment. They have not requested to cancel any contracts, or restricted what can be ordered, they are just concerned that given the issues with manufacturing and delivery they will most likely not be able to adhere to the delivery times. Our instructions to them were to keep in communication with the entity who issued the PO and keep them informed of the status of the order.

Audio Visual Contracts - NOTICE TO SUPPLIERS AND USERS

Maintaining an up-to-date Price List that shows the MSRP Price and the SC AV Price is the Vendor's responsibility and is material to this contract. Users are to rely on the links (passwords and instructions where applicable are provided) to review quotes or produce Purchase Orders. If a User finds a Vendor charges a higher price than shown on the Price List or the link on the contract page does not work, please report these situations to the State Procurement Manager. The User may wish to proceed with another vendor to avoid further delay of their order. Should the problem be a link that is not working, the Vendor will be given 10 days to provide an updated, working link. In the case of a higher price, the Vendor must honor the published Price List.



Information Security & Privacy Services — We are in the process of reaching out to our current contractors to execute change orders extending our contracts under this portfolio for Lots 1-7. We are also finalizing plans for procuring future contracts for these services. If you have feedback regarding the existing contracts or information for the pending solicitation, please reach out to Will Butler as quickly as possible wbutler@mmo.sc.gov

Market Research and Agency Input Requests for NEW State Term Contracts (STC)

The Office of State Procurement (OSP) is seeking input on the following recommendations for new State Term Contracts (STC). If you have any information you can share, please contact the appropriate procurement manager. Our goal is to put contracts in place that will meet your needs, but we need your input to ensure success.

In-Vehicle Storage Systems – Cathy Sprowls (CatherineSprowls@scdps.gov), Procurement Director for the Department of Public Safety, has published an RFI looking for information on in-vehicle storage systems. Cathy's interest is primarily for law enforcement purposes but there are other agencies who may have similar needs, or who have looked into this in the past, and may have some valuable input to provide. If so, please contact Cathy directly or Michael Speakmon (mspeakmon@mmo.sc.gov) so that they can consolidate everyone's needs. The intent is to try and make this a statewide term contract that can benefit everyone.

Sports Uniforms – Michael Speakmon (mspeakmon@mmo.sc.gov) is doing some initial research into the possibility of a STC for K-12 sports uniforms. Categories would include (both men's and women's teams as applicable) Basketball, Baseball, Volleyball, Cheerleading, Soccer, Judo Gi, Softball, Football, Camp Items (hoodies, polo shirts crew neck sweaters, etc.) and Life-guard. This isn't something that we have received any requests for, but it is something we've seen done successfully in other places. Michael is looking for any and all input he can get so please call him at 803-737-9816 to discuss your input and current or potential usage. The results will be turned into an RFI so we can gather the supplier community's input.

Telematics (Fleet Monitoring) – Will Butler (wbutler@mmo.sc.gov) continues to collect information about your entity's current installed base of GPS tracking / fleet monitoring / telematics products for your fleet vehicles. Please email with your details if you have not already done so.

STC Deliverable-Based IT Consulting & Professional Services -- We anticipate publishing a new statewide solicitation for deliverable-based IT consulting and professional services soon. The intent is that the contracts awarded pursuant to this solicitation will eventually replace the contracts awarded pursuant to STC Third Party Consulting (Solicitation 5400015645). If you would like to provide input into this STC, please contact Kristen Hutto at khutto@mmo.sc.gov as soon as possible.

Market Research and Agency Input Requests for existing State Term Contracts

Existing Goods & Services STCs which need your input

Polyester Blue Tarps – (Expires 2/4/2023) — DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) is beginning her research into this contract. Please reach out to her as soon as possible if you have any input that can assist her in confirming the current status, or recommend improvements, of the future solicitation.

14 Passenger Mini School Bus (Expires 2/21/2023) – Ellicia Howard (ehoward@mmo.sc.gov) is just beginning her market research for this contract. These are the "Jacob's Law" buses and there have been a lot of changes in the bus market since we last solicited for them. We'll be working with the supplier community to revise the specifications, but we'll always consider user input. Please reach out to Ellicia if you have anything that you think would be helpful.

Cold Laid Asphalt Concrete Mixture (Expires 3/31/2023) – Portia Davis (pdavis@mmo.sc.gov) is conducting market research on this contract now. The specifications for this one are developed and maintained by SCDOT so she'll be working with them to make sure our specifications are up to date. Should you have any input you think will be beneficial, reach out to Portia as soon as possible.

Pedestrian Signal Equipment (Expires 4/8/2022) – DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) is starting her business analysis for the next iteration of this contract. SCDOT is primarily responsible for the specifications for these items so please reach out to DeAna and she can assist in coordinating with them your comments on the specs.

Existing Information Technology STCs that need your (and/or your IT Department's) input

Market research is concluding for the following contracts. If you have any last-minute information you would like to share, please reach out to the respective Procurement Manager over that contract as quickly as possible.

Electronic Document Management System (EDMS) – Carol Norfleet (cnorfleet@mmo.sc.gov) wants your input on contracts that include hardware, software, services, support and training for systematic records management.

STC - IT Temporary Staff Augmentation – Supplier Contracts (Current 5400008056) — Contact Carol Norfleet at cnorfleet@mmo.sc.gov if you utilize this contract and would like to provide input on a new solicitation that will be published by the end of April.

Storage (SAN) Products – Will Butler (wbutler@mmo.sc.gov) wants your input on storage products, particularly Storage Area Network and related software and services. Please contact Will with information about what your organization currently purchases using these contracts and if there are products that are not currently included that would be helpful to incorporate or consider:

[Storage / SAN Products – Dell/EMC \(Expires 06/30/22\)](#)

[Storage / SAN Products – NetApp \(Expires 06/30/22\)](#)

[Storage / SAN Products – Hitachi \(Expires 09/22/22\)](#)

STC Palo Alto Networks Products & Services (5400013452) — Contact Will Butler at wbutler@mmo.sc.gov

If you are currently using this contract, please let us know if you are pleased with the contract and the products being offered.

If you have an existing or future need if additional product offerings were made available, please contact Will identifying the specific products your agency would like to see added and the potential usage for the same. This information needs to be submitted immediately for consideration.

State Term Contracts that will NOT be renewed or resolicited

The following current STCs will not be resolicited as they have been added to the new STC for Appliances & Kitchen Equipment. Use the existing contracts until they expire and then transition to the new STC.

Combi-Ovens (Expires 12/17/2022)

Currently Published Solicitations

Traffic Signal Cabinet/Controller (5400022093) – Portia Davis (pdavis@mmo.sc.gov) received no responsive/responsible offers for the original solicitation. We are preparing to publish again after some conversations with the supplier community. This should publish well before the end of April.

Industrial Gases – Cylinder Exchange (5400022452) – DeAna Reed-Sharpe(drsharpe@mmo.sc.gov) is currently evaluating the offers received.

ADA Buses (5400022716) – Portia Davis (pdavis@mmo.sc.gov) conducted the pre-bid on February 28, 2022, and published Amendment #1 on March 11, 2022. The bid opening is still scheduled for March 28, 2022.

Vehicles – SUVs (5400022830) – Portia Davis (pdavis@mmo.sc.gov) did not receive any responsive/responsible offers for this solicitation. This was the second time that we published this solicitation and received no responsive/responsible offers. As a result, we will not resolicit for SUVs until our next vehicle bid cycle in August 2022. Our hope is that the market will stabilize more by that time.

Marketing Services (5400022101) – Ellicia Howard (ehoward@mmo.sc.gov) published this solicitation on March 7, 2022, and the prebid is scheduled for March 25, 2022. This is a STC for smaller marketing projects (up to \$100K each) and is NOT a replacement for the typical agency marketing services contract. Agencies can still use the services of their agency marketing Contractor for the services that appear on this solicitation if they choose. The bid opening is scheduled for April 29, 2022, and the awards are scheduled to be posted on June 3, 2022.

MREs and Self-Heating Meals (5400022576) – Portia Davis (pdavis@mmo.sc.gov) published this solicitation on March 1st and conducted the pre-bid on March 14, 2022. She is addressing questions received after the prebid and will publish an amendment soon. Bid opening is scheduled for April 14, 2022, with awards scheduled to be posted on May 5, 2022.

School Buses (5400022827) – DeAna Reed-Sharpe published the new solicitation on March 8th and conducted the pre-bid on March 22, 2022. She is reviewing questions received after the pre-bid and will publish an amendment soon. This is the first time that we have listed specifications for an electric bus. The Bid opening is scheduled for April 15, 2022, and the awards should be posted on April 26, 2022.

Print Management Program (5400022842) – This solicitation was published on February 24, 2022 and will open on March 25, 2022. We anticipate an award date of late May/early June. If you have any questions or concerns, please contact Randy Barr, Sr. at rbarr@mmo.sc.gov

SAS (Analytics Software & Solutions) (5400022025) -- This solicitation was published on January 18, 2022 and opened on February 28, 2022. We are in the final stage of evaluation and anticipate an award date of early April 2022. If you have any questions, please contact Randy Barr, Sr. at rbarr@mmo.sc.gov

One Card Identification Systems (5400022908) — This solicitation opened March 15, 2022 and is currently in the evaluation phase. Please contact Kristen Hutto with any questions or concerns.

Citrix Products & Services – (5400022681) — This solicitation opened March 18, 2022. We anticipate an award date of March 25th. Please contact Kristen Hutto with any questions or concerns at khutto@mmo.sc.gov.

Managed Services Provider (MSP) (5400022555) — Carol Norfleet (cnorfleet@mmo.sc.gov) published March , 2022. This contract is for a Managed Services Provider for the IT Temporary Staff Augmentation Contract and the Small Software Applications Development Contract. Proposals are due April 13, 2022.

Newly Awarded State Term Contracts (STCs)

Career Ready Assessments (5400022194) –The CPO published his decision on March 11, 2022, and in that decision cancelled the awarded contract. Michael Speakmon (mspeakmon@mmo.sc.gov) is working with DEW and SCDE to modify the scope before republishing in April 2022.

LIDAR and RADAR Speed Detection Equipment (5400022353) – Portia Davis (pdavis@mmo.sc.gov) posted the awards for this solicitation on March 17, 2022. Unfortunately, we did not receive offers on multiple lots so she is working with the vendor community now and we will resolicit for those lots only.

Executive Search Services (5400022558) – Michael Speakmon (mspeakmon@mmo.sc.gov) posted the initial awards for this FPB on March 1, 2022, and the contracts began on March 11, 2022, and are active now. Subsequent offers will be evaluated on September 14, 2022, so if you know of a vendor who wants to participate, send them to our website where they can find the instructions.



STC Digital Fingerprinting Services & SLED Concealed Weapon Permit System (5400021691) — The protest of the contract awarded pursuant to this solicitation was granted by the Chief Procurement Officer and has now been appealed to the Procurement Review Panel. An emergency contract has been established with the incumbent vendor, Idemia Identity and Security USA LLC to ensure service continuation in the interim. Contact Kristen Hutto at khutto@mmo.sc.gov with questions.

STC Cisco Hardware and Software Products and Services — The next opportunity for submitting offers on this Fixed Price Bid (See Solicitation 5400021841 at this link: [Solicitation Attachments \(sc.gov\)](https://www.sc.gov)) for provision of Cisco Hardware and Software Products and Services is October 18, 2022 11:00 a.m. Please contact Carol Norfleet at cnorfleet@mmo.sc.gov if you have any questions about this contract.



NASPO Copier Contracts – The current contracts have been extended for six months (from June 30, 2022 to December 31, 2022) as the State continues work on a Statewide Term Contract for copiers.

Managed Print Services Contract (5400010032) – The current contracts have been extended from June 30, 2022 to December 14, 2022 as the State continues work on a Statewide Term Contract for copiers.

Cooperative Contracts Updates

Fire Truck and Apparatus (March Update) – NASPO recently awarded contracts for fire truck and apparatus. The contracts include aerial, pumper, tanker & rescue, and wildland (Type 3) trucks. We are working with multiple vendors to establish contracts and will publish those before the end of April 2022. If you have any questions, please contact Portia Davis at pdavis@mmo.sc.gov.



Park & Recreation Equipment (NASPO) – NASPO and the lead state of Oregon published the new solicitation to replace the existing contracts. We advertised that opportunity on March 22nd and the anticipated bid opening date is April 27, 2022. DeAna Reed-Sharpe (drsharp@mm.sc.gov) is the South Carolina point of contact.

Mailing Equipment, Supplies, and Maintenance -- Our office has posted an Intent to Participate in the upcoming NASPO Mailing Equipment, Supplies and Maintenance Solicitation. If you have any questions or concerns, please contact Carol Norfleet at cnorfleet@mmo.sc.gov. The current contracts end May 14, 2022.

Security and Access Control – Our office has posted an Intent to Participate in the upcoming NASPO Security & Fire Protection Services solicitation. As was the case previously, the State anticipates participating in the Security Categories of the contract. If you have any questions or concerns, please contact Carol Norfleet at cnorfleet@mmo.sc.gov. The current contracts are extended to July 31, 2023.

Computer Equipment – The NASPO ValuePoint sourcing team is still in the evaluation phase. If you have any questions or concerns, please contact Will Butler at wbutler@mmo.sc.gov.