



# State Procurement Manual

Department of Administration, State Bureau of Procurement

Number  
PRO-202

<b>Section</b>	<b>Effective</b>	<b>Replaces</b>
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**SCOPE:** The purpose of this policy is to establish the standards and key considerations for the development of procurement specifications.

**POLICY:** Specifications presented to potential suppliers define both the product or performance requirements of the contract, and the time in which performance is to take place.

Specifications presented in a solicitation shall be the specifications appearing in any resulting contract. See Section IV herein. Approvals to conduct the solicitation, granted based on an original set of specifications, may be voided if the specifications in the final contract vary materially from the original. See PRO-201, Procurement Plans.

Standard specifications are established only by the State Bureau of Procurement. Only the Bureau may solicit and establish contracts for standard goods and services. Agencies will use contracts for standard goods and services in accordance with PRO-402, Statewide Contracts: Standards and Utilization.

Non-standard specifications can be established by the Bureau or any agency in accordance with their delegation. See PRO-102, Delegation.

- PROCEDURE:**
- I. Key Elements
    - A. Specifications are written in concise, measurable terms and include the results to be achieved by the supplier, clearly defining the need to be filled. See PRO-203, Standards and Specification Development Committees.
    - B. Specifications will be prepared to preclude unnecessarily restrictive provisions and encourage competition.



### Legal Authority

Wis. Stats. s. 16.72(2)(a) and (b); 16.75(1)(a);  
16.75(2)(a)  
Wis. Admin. Code Adm 7.03; 7.04

Authorized:  
Sara Redford, Director  
State Bureau of Procurement

Agencies Affected: All, unless otherwise noted



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- C. Specifications drawn for the purchase of equipment to be used by the state must contain reference to safety factors, presented in generic form, excluding brand names. See PRO-404, Standard Terms and Conditions.
- D. To the extent possible, specifications will be written to permit the purchase of materials manufactured in the United States as defined in s. 16.754(1). See PRO-605, American-made Materials Policy.
- E. Specifications related to the provision of contractual services will be written in accordance with PRO-204, Contractual Services Procurement.
- F. Where possible, specifications will be written in accordance with recyclability and waste reduction properly considered. See PRO-209, Sustainability in Procurement.

## II. Standard Specifications

- A. The Bureau prepares standard specifications, as far as possible, for all state purchases. A standard specification is prepared to describe in detail the article desired for purchase.
  - 1. Trade names are not used in writing standard specifications. However, if the potential bidders for a solicitation are resellers, distributors or competitive representatives of a trade name product, the trade name may be used as the competitive process is not restrained.
  - 2. On the formulation, adoption and modification of any standard specification, the Bureau may request and be



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afforded without cost the assistance of other state agencies, including but not limited to agency participation in Bureau surveys.

3. Each standard specification adopted satisfies, insofar as possible, the requirements of any and all agencies making common use of it.

B. Records of established standard specifications will be kept and managed in accordance with PRO-105, Procurement Record Retention and Access.

### III. Non-Standard Specifications

A. The Bureau, or an agency through delegation, prepares or reviews specifications for all materials, supplies, equipment and contractual services not purchased under standard specifications.

B. Nonstandard specifications may be generic or performance specifications, or both, prepared to describe in detail the article desired for purchase either by its physical properties or programmatic ability.

C. Trade names are not used in writing nonstandard specifications unless this is determined to be inappropriate. The rationale for using trade names will be documented in the procurement file.

1. When it is necessary to use trade names to communicate a level of quality, performance or compatibility, the specifications will give at least two, preferably three, examples of trade names of articles purchased in the past.



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2. Where one of the trade names used is that of a Wisconsin producer, distributor or supplier, that trade name shall appear first.

#### IV. Modifications to Specifications

- A. Specifications amended prior to the due date of a solicitation will be so amended in accordance with applicable policy. See PRO-304, Bidding Policy and Procedure, Official Sealed Bid and PRO-306, Competitive Negotiation (Request for Proposals).
- B. Additional contract provisions may be added, or specifications may be deleted or modified if the changes would not have provided a significant competitive advantage at the time the bids were taken.



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