

# DAS Directive

Directive No. **GS-D-14**

Effective Date: **08-01-2010**



To: All Departments, Offices, Agencies, Commissions, Boards, Bureaus and Institutions  
From: Hugh Quill, *Director of Administrative Services*  
Re: Specification Standards

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## AUTHORITY

Under Ohio Revised Code Section 153.16, the director of administrative services establishes policy and procedure guidelines for contract documents for public works contracts. State agencies are hereby instructed to enforce the following policy guidance in contracts with design professionals:

## GENERAL STANDARDS

The State relies upon the Architect/Engineer (A/E) to select and specify materials and systems of institutional quality, long lasting building components and equipment, suitable for the intended purpose and affordable within the Project budget. Components should also perform well in terms of life cycle costs when operation and maintenance costs are considered. The A/E is requested to specify Ohio based suppliers and manufacturers to the greatest extent possible.

The bidding documents must allow for unrestricted competition among interested suppliers and manufacturers to the extent that it is feasible. Specifications for public projects cannot unreasonably restrict sources of products, materials or equipment.

With regard to the selection of equipment or materials, there are four basic methods of specifying: descriptive, performance, reference standard and proprietary. Of these methods, performance and proprietary have the potential to limit competition. Performance specifications do not refer to any particular brand or product. Instead, the specifications states certain performance capabilities which the equipment or material must meet. The A/E is required to develop performance-based specifications such that a minimum of three products are capable of meeting the requirements for the equipment or material. Each of the three products will be functionally and qualitatively equivalent to the others.

The performance requirements of a given product cannot be so narrow as to restrict competition. Any component of other manufacturers' or vendors' product which meets the performance requirements of the bidding documents may be considered equally acceptable provided the component is submitted to the A/E as a substitution request prior to bid opening with sufficient time for the design professional to review, approve and notify all bidders by issuing an addendum.

Proprietary specifications call for a particular brand and model to be used. Whenever any product is specified by brand name (e.g. manufacturers' or suppliers' name or trade name

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and catalog or model number or name), the intent is to establish a standard of quality which the A/E has determined is necessary. In order to foster competition, the A/E is required to develop specifications such that a minimum of three manufacturers are named. If less than three manufacturers are named, the A/E must submit a waiver request as detailed below. When the A/E lists components produced by specific manufacturers to denote kind, quality, or performance requirements, the component listed first in the specifications is the Basis of Design Component.

During the bidding period, the Bidder may propose another manufacturer or competing product giving the same or superior function, performance and quality level. The Bidder is to indicate precisely why and how the proposed material or item meets or exceeds all function, performance and quality criteria of the specified item. The A/E is obligated to evaluate a Bidder's submittal requesting approval of a proposed Substitution, in accordance with the requirements of the Instructions to Bidders (IB 2.5).

Components must be, in the opinion of the A/E, of equivalent substance and function. If a proposed substitution possesses all the "salient characteristics" of the specified brand, it may be considered acceptable. The salient characteristics are the physical properties and performance capabilities that reasonably meet the needs for the Project. Obviously, opinions frequently differ as to whether or not a proposed alternate product is equivalent to the proprietary product listed in the specifications; however, the A/E's decision is final and binding.

Project Manuals shall be organized according to the latest edition of CSI/CSC MasterFormat. Additional numbers and titles shall be assigned in accordance with the MasterFormat Applications Guide and coordinated with revisions approved by CSI and posted to masterformat.com. Specification sections shall be organized in general conformance with CSI SectionFormat, and PageFormat.

## USE OF SOLE SOURCE SPECIFICATIONS

Sole source specifications have the effect of eliminating competitive bidding and the instances in which its use is permitted have been limited. Under some circumstances, the specifications may call for patented materials, articles or items which may not be offered by two or three manufacturers. An owner has the ability to include a sole source specification only when it is clearly in the public interest to do so, after carefully considering the serviceability and cost of the material or article for which the contract is made.

Instances that may support an exception are cases where a specified material must match an existing material in appearance or a system or component must match an existing system or components for functional reasons (e.g. hardware keying systems). The specification of a limited number of manufacturers may in some cases be justified in order to achieve a specific design intent provided that the value of the specified goods is insignificant in relation to the overall project. In all cases, the scope of work that is covered

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by a sole source specification should be as small as necessary to achieve the intended benefit (e.g. lock cylinders instead of door hardware).

## WAIVER OF THREE MANUFACTURER REQUIREMENT

If the A/E should name less than three manufacturers in a proprietary specification or stipulated performance specifications which cannot be satisfied by three or more manufacturers, then the A/E shall specifically identify such specifications at the time of submitting the drawings and specifications to the Contracting Authority for review, along with a written justification for such specification. The Project Manager/Administrator will review such justifications and will approve or deny a requested variance from the requirements of this policy.

## VENDOR ASSISTANCE WITH SPECIFICATION WRITING

During the development of a Project's specifications, the A/E may find it helpful or even necessary to seek technical assistance from vendors (e.g. manufacturers' representatives and suppliers) to better understand and evaluate alternative products or systems for incorporation into the specifications. While this practice allows design professionals to gain technical expertise in the various components to be included within a project, it does not transfer or substitute the design and specification writing responsibility of the A/E to the owner. Vendor assistance in directly writing a project's specifications should be limited. The A/E should carefully review drafted specifications from vendors to ensure they are open, competitive and at least three manufacturers are capable of meeting the specified requirements.

In the event a vendor has provided direct assistance to the A/E by producing the specifications that are used for a project, and intends to bid the work or perform as a subcontractor for the same project, the A/E shall inform the Contracting Authority of the circumstances. The Contracting Authority reserves the right to not approve a contract or subcontract based upon a determination that a conflict of interest or competitive advantage exists. An exception is when a product or system that is being sole sourced has been justified and approved by the Contracting Authority prior to bidding.

## AUTHORITY & REFERENCE

R.C. 154.16