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MC1-401 DUTIES AND RESPONSIBILITIES

The Chief Procurement Officer should establish guidelines governing the preparation, maintenance, and content of Specifications for Commodities, Services, and Construction required by Maricopa County. The Chief Procurement Officer shall, prepare, issue, revise, maintain, and monitor the use of Specifications for Construction, Commodities, and Services required by Maricopa County.

MC1-402 PREPARATION OF SPECIFICATIONS


- A. Specifications shall be prepared by the Chief Procurement Officer or Purchasing Agency pursuant to this Code or by Contract pursuant to MC1-409.
- B. In an emergency under MC1-354, any Specifications may be utilized by the Purchasing Agency without regard to the provisions of this Code.

MC1-403 CONTENT OF SPECIFICATIONS

- A. A Specification may provide alternate descriptions of Commodities, Services, or Construction items where two or more design, functional, or performance criteria will satisfactorily meet Maricopa County's requirement.
- B. To the extent practicable, Specifications shall emphasize functional or performance criteria. To facilitate the use of such criteria, Using Agencies shall use reasonable efforts to include the principal functional or performance requirements as a part of their purchase requisitions.

MC1-404 TYPES OF SPECIFICATIONS

- A. Specifications for common or general use items.
 - 1. To the extent practicable, a Specification for common or general use items shall be prepared and utilized when:
 - a. A Commodity, Service, or Construction item is used in common by several Using Agencies or used repeatedly by one Using Agency, and the characteristics of the Commodity, Services, or Construction item, as commercially produced or provided, remain relatively stable while the frequency or volume of Procurements is significant.
 - b. Maricopa County's recurring needs may require uniquely designed or specially produced items.


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B. Brand Name or Equal Specifications

1. A Brand Name or Equal Specification may be used when the Procurement Officer determines that use of a Brand Name or Equal Specification is Advantageous to Maricopa County and that:
 - a. no Specification for a common or general use item or Qualified Products list is available;
 - b. time does not permit the preparation of another form of Specification, other than a Brand Name or Equal Specification; or
 - c. the nature of the product or Maricopa County's requirements make use of a Brand Name or Equal Specification suitable for the Procurement.
2. Such determination may be made for categories of Commodities, Services, or Construction items or, in appropriate circumstances, for an entire Procurement action even though a number of different items are being procured.
3. A Brand Name or Equal Specification shall designate as many different brands as are practicable as "or equal" references.
4. A Brand Name or Equal Specification shall include a description of the particular design, functional, or performance characteristics that are required unless the Procurement Officer determines that the essential characteristics of the brand names designated in the Specifications are commonly known.
5. A Solicitation that uses a Brand Name or Equal Specification shall explain that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. The Solicitation shall state that products substantially equivalent to those brands designated shall qualify for consideration.

C. Brand Name Specifications

1. A Brand Name Specification may be prepared and utilized only if the Procurement Officer makes a Written Determination that only the identified brand name item will satisfy Maricopa County's needs.
2. If a Brand Name Specification is utilized, the Procurement Officer shall, to the extent practicable, identify sources from which the designated brand name item can be obtained and shall solicit such sources to achieve the maximum practicable competition. If only one source can supply the requirement, the

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Procurement shall be made under MC1-350.

- D. **Qualified Products List.** A Qualified Products List may be prepared and utilized when:
1. A Procurement Officer determines that testing or examination of the Commodities or Construction items prior to issuance of the Solicitation is desirable or necessary in order to best satisfy Maricopa County's requirements.
 2. The Procurement Officer has solicited as many potential suppliers as practicable to submit products for testing and examination to determine acceptability for inclusion on a Qualified Products List. Any potential supplier, even though not solicited, may offer its products for consideration in accordance with the schedule or procedure established for this purpose. The Qualified Products List shall not be modified after the Solicitation is issued.
 3. Inclusion is based on results of tests or examinations conducted in accordance with requirements published by the Office of Procurement Services.
 4. Qualified Products Lists' test results shall be made available in a manner to protect the identity of the supplier.

MC1-405 RELATIONSHIP WITH USING AGENCIES


The Chief Procurement Officer or Purchasing Agency may obtain advice and assistance from personnel of Using Agencies in the development of Specifications.

MC1-406 MAXIMUM PRACTICABLE COMPETITION

All Specifications shall seek to promote overall economy for the purpose intended and encourage competition in satisfying Maricopa County's needs and shall not be unduly restrictive.

MC1-407 REQUIREMENTS OF NONRESTRICTIVNESS

- A. **Nonexclusive Specifications:**
1. To the extent practicable and unless otherwise permitted by this Code, all Specifications shall describe Maricopa County's requirements in a manner that does not unnecessarily exclude a Commodity, Service, or Construction item.
 2. Proprietary Specifications shall not be used unless the Chief Procurement Officer determines in writing that such Specifications are required by demonstrable technological justification and that it is not practicable or Advantageous to use a

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less restrictive Specification. Past success in the Commodity's performance, traditional purchasing practices, or inconvenience of preparing Specifications do not justify the use of Proprietary Specifications.

- B. To the extent practicable, Maricopa County shall use accepted commercial Specifications and shall procure standard commercial Commodities.

MC1-408 SPECIFICATIONS, INTENT, AND COMPOSITION

All Specifications, including those prepared by other than County personnel for public Contracts, shall seek to promote overall economy for the purposes intended and encourage competition in satisfying Maricopa County's needs and not be unduly restrictive.

MC1-409 PREPARATION OF SPECIFICATIONS BY PERSONS OTHER THAN MARICOPA COUNTY PERSONNEL

- A. The requirements of this Article shall apply to all Specifications prepared by other than a Maricopa County Employee. Contracts for the preparation of Specifications by other than County personnel shall require the Specification writer to adhere to such requirements.
- B. If Specifications are prepared by other than a Maricopa County Employee, the Person preparing the Specifications shall be prohibited from responding to any resulting Solicitation unless the Chief Procurement Officer determines in writing that permitting the Person who prepared the Specifications to respond is Advantageous to Maricopa County and this Person does not have an unfair advantage.

MC1-410 SPECIFICATIONS FOR ENERGY CONSUMPTIVE MATERIALS

The Chief Procurement Officer may utilize Specifications based on considerations of energy conservation for the Procurement of energy consuming material.