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PC1-401 DUTIES OF THE DIRECTOR

In Pinal County, the Director of Finance also serves as the Chief Procurement Officer. The Director should establish guidelines governing the preparation, maintenance and content of specifications for materials and services; and in the case of construction, the construction agency should establish guidelines governing the preparation, maintenance and content of specifications for construction required by Pinal County.

PC1-402 PREPARATION OF SPECIFICATIONS


- A. Procurement Officers shall ensure specifications used support maximum practical competition.
- B. Procurement Officers may contract for the preparation of specifications with persons other than County personnel.
- C. Notwithstanding the provisions of this Article, the Director retains the authority to prepare, issue, revise, and monitor all specifications for materials and services; and in the case of construction, the Public Works Director retains the authority to prepare, issue, revise, and monitor all specifications for construction.
- D. If a mandatory specification has been designated by the Director for a particular material, service, or construction item, it shall be used unless the Director or the Public Works Director for construction makes a written determination that its use is advantageous to the County and that another specification may be used.

PC1-403 UTILIZATION OF SPECIFICATIONS


Procurement Officers may use any type of specification that describes the procurement requirement and promotes competition, except that the Procurement Officer shall not use proprietary or restrictive specifications without the prior written approval of the Director.

PC1-404 TYPES OF SPECIFICATIONS

- A. Specifications for common or general use items.
  - 1. To the extent practicable, a specification for common or general use item shall be prepared and utilized when:
    - a. A commodity, service or construction item is used in common by several using departments or used repeatedly by one using department, and the characteristics of the commodity, service or construction item, as commercially produced or provided, remain relatively stable while the frequency or volume of procurements is significant.
    - b. Pinal County's recurring needs may require uniquely designed or specially produced items.
- 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 Pinal County and that:

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- 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 Pinal County's requirements makes 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 Pinal 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 procurement shall be made under PC1-346.
- D. 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 Pinal County's requirements.
  2. Inclusion is based on results of tests or examinations conducted in accordance with requirements published by the Purchasing Department.
  3. Qualified products lists' test results shall be made available in a manner to protect the identity of the supplier.

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PC1-405      MAXIMUM PRACTICABLE COMPETITION

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

PC1-406      REQUIREMENTS OF NON-RESTRICTIVE PROCUREMENT

A. Nonexclusive Specifications:

1. To the extent practicable and unless otherwise permitted by this code, all specifications shall describe Pinal 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 using department submits written justification which requires approval by the Director that such specifications are required by demonstrable technological justification and that it is not practicable or advantageous to use a 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, Pinal County shall use accepted commercial specifications and shall procure standard commercial commodities

PC1-407      PREPARATION OF SPECIFICATIONS BY PERSONS OTHER THAN PINAL COUNTY PERSONNEL

- A. The requirements of this article shall apply to all specifications prepared by other than Pinal 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 Pinal County employee, the person preparing the specifications shall be prohibited from responding to any resulting solicitation unless the Director determines in writing that permitting the person who prepared the specifications to respond is advantageous to Pinal County and this person does not have an unfair advantage.