

Procurement Guidance - (10/2021)

T3.2.2.8 - Describing FAA Needs Revised 10/2006

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T3.2.2.8 - Describing FAA Needs Revised 10/2006

A Describing Needs

1 Product Description Revised 10/2006

a. Product description is a generic term for documents, such as specifications, standards, voluntary standards, commercial item descriptions, or statements of work, that describe FAA's needs and are used for procurement purposes. The program official prepares the appropriate type(s) of product description based on the specific need to be obtained.

b. A product description should:

- (1) Be accurate, clear, and concise;
- (2) Reflect minimum needs;
- (3) Not include overly restrictive requirements that would inhibit competition;
- (3) Have measurable delivery, performance, objectives, or outputs;
- (4) Encourage use of commercially-available items, when appropriate;
- (5) Specify environmentally sound, and energy and water efficient products and services, and reduce or eliminate hazardous materials and wastes;
- (6) Use metric measurements or a dual (metric/inch-pound) system of dimensions, when practical; and
- (7) Use voluntary standards when possible.

2 Types of Specification Revised 9/2021

a. A specification describes physical, functional, or performance requirements of a material, product, system, data, or service, and includes criteria for determining whether or not the requirements are met. Types of specifications include:

- (1) *Performance specification* that describes a product in terms of form, fit and function, and interface or interoperability requirements. "Form" describes the general constraints placed on the product; "fit" describes how the product must be compatible with related or existing products; and "function" describes what the product must do.
- (2) *Design specification* that describes a product in terms of its detailed form or composition, such as specific materials, dimensions, design concepts, drawings, and manufacturing processes. This type of specification requires a product to meet all aspects of the design requirements and vendors cannot substitute their own design

preference.

(3) *Hybrid specification* that combines design and performance specifications.

b. Performance specifications are generally preferred. Specifications may be coupled with a statement of work (SOW) to fully define all work requirements. (See “SOW and DID Library” located in FAST under Procurement Tools and Resources for SOW examples.)

3 Standards Revised 10/2006

a. Standards establish uniform engineering and technical limitations and applications of items, materials, processes, methods, designs, and engineering practices. It includes any related criteria deemed essential to achieve the highest degree of uniformity in materials or products, or interchangeability of parts used in those products.

b. A voluntary standard (non-Government standard) is established by a private sector association, organization, or technical society, and available for public use; the term does not include private standards of individual firms.

c. Product descriptions citing standards and specifications should identify each documents by number, title, approval date and revision number. When appropriate, the program official should tailor Government standards and specifications to eliminate unnecessary or non-value added portions of the standard or specification.

d. ATO System Engineering organization maintains FAA standards and system specifications applicable to National Airspace System equipment. Also, information about Federal standards, specifications, and commercial item descriptions is available on the General Services Administration website, the Department of Defense Single Stock Point website, and the National Institute of Technology and Standards website.

4 Commercial Descriptions Revised 10/2006

a. Commercial item descriptions describe functional or performance characteristics of an item and include industry standards, manufacturer's standards, and standard grades.

b. The FAA should use commercial products and services when possible. Consistent with this emphasis, product descriptions that describe voluntary commercial standards or use commercial item descriptions are preferred and will generally result in shorter delivery lead times than will use of detailed design or performance specifications.

c. The use of additional FAA specifications or testing requirements is generally not appropriate with commercial descriptions.

5 Brand Name Revised 9/2021

a. Brand Name or Equal

- (1) Brand name or equal product descriptions may be used when in the FAA's best interest.
- (2) To initiate the procurement of a brand name product, the service organization official must document the brand name or equal product description in the Brand Name Mandatory/Brand Name or Equal Template. The template must address the following:
 - (a) Products by brand name, make, model, or catalog number and name of the manufacturer;
 - (b) FAA's requirement in terms of specific physical, functional, or performance characteristics, and interfaces or interoperability;
 - (c) Unique features, functions, or characteristics of the brand name product that satisfies FAA's requirement; and
- (3) When procuring a brand name product, the SIR must (a) state that the brand name or its equivalent is acceptable to the FAA; and (b) identify the brand name and a description of most important physical, functional, or performance characteristics that an equal product must meet to be acceptable for award. The offered equivalent must have the same salient characteristics as the identified brand name product. The Offeror bears the burden of proving equivalency.

b. Brand Name Mandatory

- (1) Brand name mandatory descriptions may be used when in the FAA's best interest. For a brand name mandatory product, the particular brand name, product, or feature is essential to the FAA's needs, and market research indicates that other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the FAA's needs.
- (2) The service organization official must document its rational basis for brand name mandatory products from multiple sources in the Brand Name Mandatory/Brand Name or Equal Template. For brand name mandatory products from a single source, the service organization must document its rational basis in the single source justification template. (see AMS Procurement Guidance T3.2.2.4 "Single Source"). The rational basis for brand name mandatory requirements must be reviewed by Legal for sufficiency, approved by the Service Organization Official and the Contracting Officer's Representative (COR) (if applicable), and concurred with by the Contracting Officer or, for purchase card transactions, the Purchase Cardholder.

The rational basis for using brand name mandatory descriptions must address the following:

- (a) FAA's requirement in terms of specific physical, functional, or performance characteristics, and interfaces or interoperability;

- (b) Unique features, functions, or characteristics of the brand name product that satisfies FAA's requirement; and
- (c) Market research and analysis of other manufacturers' products, and a description of why other products' functions, features, performance, interfaces, or interoperability do not meet, or cannot be modified to meet the FAA's requirements.

6 Statement of Work Revised 9/2021

a. A properly written statement of work (SOW) is critical for the FAA to communicate and acquire what it needs. A SOW describes objectives, purpose, and requirements for the work to be accomplished. When possible, a SOW avoids defining the approach ("how to") to performing the work and should rely on the marketplace to define its own solution. The degree of specificity in a SOW depends on the type and size of the project. When possible, service contracts incorporate performance-based methods to encourage contractor innovation and efficiency, and to help ensure contractors provide timely, cost effective, and quality contract performance. Also, to the extent possible, a SOW complies with plain language requirements described in Order 1000.36, FAA Writing Standards.

b. *The 4 "W"s.* A SOW addresses who, what, when, and where of the required work, as applicable. It clearly defines expected outputs, deliverables, or objectives that can be measured. All 4 "W"s below are likely to be necessary in a service-type contract and should be included when appropriate in other types of work:

(1) What work will the contractor do?

(2) When is the work to be performed?

(3) Who should perform the work (what minimum qualifications, skills, education, and experience are needed)?

(4) Where must the work be performed?

c. *Redundancy.* The SOW should not repeat material included in other parts of the contract; e.g., general provisions, special provisions, payment, etc.. This makes a contract difficult to modify and can create ambiguity when even slightly different words are used to express the same thing in different places in the contract.

d. *Writing Style.* The SOW is written in a clear and direct style, using simplest words, phrases, and sentences, and without ambiguity so that the document will be readily understood. Indefinite or ambiguous terms, words or sentences are difficult to enforce and administer, and may be construed against the FAA.

e. *Active vs. Passive Voice.* Use direct, active sentence structure that clearly states the subject that will perform the requirement, as in the following example: "The Contractor must maintain all government property related to the contract." This sentence uses the active voice

that clearly states the subject (“contractor”) must perform the action (“maintain property”). The drafter should not use passive voice sentences. Passive voice implies who performs the action, as in the following example: “The government property related to the contract must be maintained.” In this sentence, the subject who must maintain the property is not clearly stated, and could be interpreted as the FAA or contractor. Statements that do not directly assign an action to a subject are ambiguous, may be interpreted incorrectly, and may prevent the FAA from enforcing the rights intended in the statement.

f. *Terms/Abbreviations.* The first occurrence of new or complex terms should always be in full text. If an abbreviation will be used in further occurrences of the word, show the abbreviation in parenthesis following the first occurrence of the word.

g. *Word Selection.*

(1) *Must/Will.* The term “must” is used to specify a mandatory action from which the contractor cannot deviate. Any expression of a required action by the contractor should be stated as “the contractor must...”. The word “will” is used to express declaration of future action on the part of the FAA. (As required by FAA’s plain language order 1000.36, “must” replaces the traditionally used “shall” when specifying mandatory action).

(2) *Any/Either/Or.* These words imply a choice that either party may make, and should be avoided.

(3) *Use of Pronouns.* To avoid misinterpretation, use or repeat the noun rather than substitute it with a pronoun. Pronouns can create uncertainty as to what or whom the pronoun refers to which again promotes ambiguity.

h. *Other Elements.* The SOW should be tailored to the specific need. The following sections may be included when appropriate, provided they are not addressed elsewhere:

(1) *General.* This section should provide a broad overview of the SOW. It could include a general description of the scope of work;

(2) If there are personnel restrictions or requirements, they should be included;

(3) Quality control requirements;

(4) *Definitions.* A definition section includes all special terms and phrases used in the SOW. The definitions must clearly establish what is meant so that all parties will fully understand them. Also, SOW writers should carefully review trade terms or terms considered common to the industry, and provide definitions when those terms represent “slang” or are terms used only in specific geographical or industrial areas;

(5) *Government-furnished property and services.* If the Government will provide any property or services for the contractor's use during performance of the contract, this section should describe what will be given. If the list is fairly extensive, make it into an exhibit referenced in this section and attached elsewhere;

(6) Contractor-furnished items. In this section, describe material and equipment that the contractor must provide. As with government furnished property, if the list is lengthy, reference it in this section and make it an exhibit attached elsewhere;

(7) Specific Work/Tasks. Work/tasks to be performed by the contractor should be included in this section;

(8) Applicable Technical Orders, Specifications, Regulations, and Manuals. This section should contain a list of applicable directives. Tell what happens when a directive changes during the life of the contract and state whether each directive is mandatory or advisory on the contractor;

(9) Delivery requirements;

(10) Packaging, packing or marking; and

(11) Technical Exhibits. Some items are too bulky to include in the main body of the SOW. These items should be included as technical exhibits.

(i) Further information about preparing a SOW is described in MIL-HDBK-245D “Preparation of Statement of Work,” available on the Department of Defense’s ASSIST website.

7 Statement of Objective Added 10/2006

a. A statement of objective (SOO) describes basic, top level results to be achieved. An SOO provides potential vendors flexibility to develop cost effective solutions and innovative alternatives meeting the stated objectives. The SOO includes at least:

(1) Purpose;

(2) Scope or mission;

(3) Period and place of performance;

(4) Background;

(5) Performance objectives, *i.e.*, required results; and

(6) Any operating constraints.

b. Vendors use an SOO to propose a detailed statement of work that the FAA evaluates as part of contractor source selection. The SOO does not become part of a resulting contract. Additional information on developing an SOO is in MIL-HDBK-245D “Preparation of Statement of Work,” and in the Air Force’s “Statement of Objectives (SOO) Preparation

Guide,” available on their website.

8 Statement of Requirements for Real Property Added 09/2020

- a. A statement of requirements describes the functional, performance, or physical requirements of the land or space that is required to meet the FAA’s real property needs.
- b. A statement of requirements for real property should include but is not limited to:
 - (1) Description of the site and easements, expressed either in metes and bounds or as required by local land registries.
 - (2) Purpose of the real property contract.
 - (3) Size and scope of land or space requirements.
 - (4) Term of the real property contract.
 - (5) Required Occupancy date.
 - (6) Unique real property requirements.
 - (7) Surrounding area requirements (neighborhood, parking, amenities, and public transportation).
 - (8) Environmental requirements.
- c. The description must promote full and open competition. Include restrictive provisions or conditions only to the extent necessary to satisfy the agency’s needs or as authorized by law.

B Clauses

[view contract clauses](#)

C Procurement Forms Added 9/2021

Document Name

D Procurement Samples Added 9/2021

Document Name

E Procurement Templates Added 9/2021

Document Name
Brand Name Mandatory/Brand Name or Equal Template

F Procurement Tools and Resources Added 9/2021

Document Name
SOW and DID Library