

**State of Alabama  
Department of Finance  
Administrative Code**

**Chapter 355-4-4  
Specifications**

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355-4-4-.01      **Definitions of Terms Used in Chapter 4.**

(1) Definitions.

(a) Brand Name Specification means a specification limited to one or more items by manufacturers' names or catalogue numbers.

(b) Brand Name or Equal Specification means a specification which uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements, and which provides for the submission of equivalent products.

(c) Qualified Products List means an approved list of supplies or services described by model or catalogue numbers, which, prior to competitive solicitation, the State has determined will meet the applicable specification requirements.

(d) As used in Chapter 4 and related rules, specification means any description of the physical, functional, or performance characteristics, or of the nature of a supply or service. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply or service for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout the State Procurement Rules.

(e) Specification for a Common or General Use Item means a specification which has been developed and approved for repeated use in procurements.

Author: Department of Finance Legal Division

Statutory Authority: Code of Ala. 1975, § 41-4-150

History: New Rule: Filed March 21, 2022; effective October 1, 2022.

355-4-4-.02      **Specifications.**

(1) General Purpose and Policies.

(a) Use of Functional or Performance Descriptions. Specifications shall, to the extent practicable, emphasize functional or performance criteria while limiting design or other detailed physical descriptions to those necessary to meet the needs of the State. To facilitate the use of such criteria, using agencies shall endeavor to include as a part of their purchase requisitions the principal functional or performance needs to be met.

(b) Preference for Commercially Available Products. It is the general policy of this State to procure standard commercial products whenever practicable. In developing specifications, accepted commercial standards shall be used and unique requirements shall be avoided, to the extent practicable.

(2) Authority to Prepare Specifications.

(a) Statutory Authority of the Purchasing Agency to Prepare Specifications. The Purchasing Agency is authorized to prepare specifications for any type of supplies or services, the use of which shall be monitored by the Chief Procurement Officer.

(b) Authority to Contract for Preparation of Specifications

When a written determination is made by the head of a Purchasing Agency authorized to prepare such specifications that there will be no substantial conflict of interest involved and it is otherwise in the best interest of the State, a contract to prepare specifications for State use in procurement of supplies or services may be entered into

provided such officer and the Chief Procurement Officer retain the authority to finally approve the specifications.

(c) Small Purchase and Emergency Authority. If a specification for general or common use or a qualified products list exists for an item to be procured under 355-4-3-.04 (Small Purchases), it shall be used except as otherwise provided by the head of a Purchasing Agency. If no such specification exists, Purchasing and Using Agencies shall prepare specifications for use in such purchases. In an emergency under Rule 355-4-3-.06 (Emergency Procurements), any necessary specifications may be utilized by the Purchasing or Using Agency without regard to the provisions of this Chapter.

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