

## Scope of Work Guidelines

### **Definitions**

**Contract:** A legally binding written agreement executed between the System or an Institution and a third party in which the parties agree to perform in accordance with the obligations therein. Contracts include, but are not limited to, letter agreements, co-operative agreements, memorandums of understanding (MOU), Interagency Contracts, Interlocal Contracts, easements, licenses, leases, and Purchase Orders. [Regents' Rules Chapter 07](#).

**Contract Review Team:** A team comprised of such members as the contract manager, the contract administrator, and as needed, cross-functional members such as subject matter experts, information technology, risk management, legal, and price/cost analysts. The size and the members of the team are dependent on the nature and complexity of the Procurement.

**Contractor:** An entity or individual that has a Contract to provide Goods or Services to the System or any component Institution.

**Goods:** Supplies, materials, or equipment as defined in [Texas Government Code § 2155.001](#). Goods do not include Services or real property.

**Institution(s):** The Texas Tech University System (TTU System) and its components including: Texas Tech University (TTU), Texas Tech University Health Sciences Center (TTUHSC), Angelo State University (ASU), Texas Tech University Health Sciences Center at El Paso (TTUHSC El Paso) and any future components that may be added to the System through statutory enactment.

**Procurement (Procure):** Purchasing, renting, leasing, or otherwise acquiring any Goods and Services, including all functions that pertain to the acquisition through Contract Close-out.

**Respondent:** An individual or entity submitting a Response to a Solicitation.

**Scope of Work (or "SOW"):** A detailed, written description of the conceptual requirements contained within the Specifications.

**Service(s):** The furnishing of labor, time, and effort by a Contractor or Auxiliary Enterprise, including for a Construction Project, which may involve to a lesser degree, the delivery or supply of products.

**Solicitation:** A method or process used to obtain Responses for the purpose of gathering information or entering into a Contract.

### **Guidelines**

The Scope of Work (SOW) is very important as it forms the basic framework for the resulting Contract. The SOW details what is required of the Contractor to satisfactorily perform in accordance with the Institution's requirements. Time spent planning, analyzing, and drafting the SOW will result in saving time, resources, money, and will improve the quality of the Goods or Services provided.

The Scope of Work should:

- Be clearly defined, accurate, and unambiguous;
- Be contractually sound;
- Be unbiased and non-prejudiced toward Respondents;

- Encourage innovative solutions to the requirements described; and
- Allow for free and open competition to the maximum extent reasonably possible.

The following provides guidelines on forming a sound SOW. These guidelines are suggestions for developing the SOW and are not required provisions. The Contract Review Team should work together to develop an SOW that will meet the needs of the Institution.

1. Preliminary SOW statement that summarizes objectives of the Procurement Solicitation.
2. A historical Procurement summary of the Goods or Services.
3. Sufficient details to provide information on:
  - a. Tasks to be performed
  - b. Required deliverables – identify physical, functional, environmental, and quality characteristics such as design, size, weight, power capacity, and output. For Goods, this might include expected turnaround or applicable commercial standards (e.g., using a brand name or equivalent). When a brand or make is identified, there should be a model for comparison and the Institution should provide the “approved equal” or better allowance unless the provision is a requirement.
  - c. Detail the start and end date for the Services or the delivery date or range for any Goods.
  - d. Important milestones in providing the Goods or Services
  - e. A deliverables schedule detailing when and where the Goods or Services will be performed.
  - f. Describe or provide a location(s) where the SOW will be performed.
  - g. Define the supplies and equipment that will be used or required from the Contractor. If the Institution will retain ownership, that should be defined.
  - h. Clearly define any required industry standards or state and federal regulations, etc.
  - i. Define any resources needed or that may be available to the Contractor or the Institution.
  - j. Detail the qualification requirements of the Contractor (e.g., any licenses required or levels of experience).
  - k. Define any performance standards. The institution must allow for measurement, performance testing, and acceptance or rejection.
4. Provide requirements on payments or revenue methods and expectations (e.g., hourly rate, cost plus, reimbursable, etc.).
5. Clearly define any other considerations or requirements. It is best practice to detail what is a mandatory provision and what is a preferred provision.

Keys:

- Explain all terms and conditions and compliance obligations.
- Provide a clear and consistent methodology for determining if all the requirements have been met.
- Write plainly and concisely, avoiding acronyms and the use of clichés.
- Try to avoid assumptions. If any assumptions are made they must be clearly stated in the SOW.