

## *Writing Statements of Work for Commercial Services*

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### **Background**

Statements of Work (SOWs) are essential when purchasing a commercial service, such as the contractual writing of an Environmental Impact Statement or an Engineering Evaluation/Cost Analysis. These statements are read and interpreted by government and industry personnel with diverse training, background, and experience in such fields as engineering, science, accounting, law, and contracting. Careful drafting of the SOW is, therefore, essential. The basic structure of a successful SOW is described here:

### **Discussion**

The primary objectives of a SOW are to provide a logical and readable presentation, identify and emphasize the critical elements of the procurement document, and state exactly what the contractor must do to receive payment.

There are two kinds of SOWs—the performance-based SOW and the detailed SOW. The performance-based SOW is written to ensure that contractors are free to determine how to meet the government's performance objectives. An example stipulation of a

performance-based SOW is "The contractor shall develop a Community Relations Plan consistent with the National Contingency Plan, 40 CFR, Part 300." Often, contracting officers prefer a performance-based SOW because it leads to more cost-effective acquisitions and better value, holds the contractor accountable for the end results, maximizes contractor control of the work processes, and allows for innovation in approaching various work requirements.

The detailed SOW requires that the procuring official be proficient enough to describe the work in great detail. Such SOWs must accurately portray the job to be performed. When using a new contractor, you should use a detailed SOW to be sure that you and the contractor are in agreement on task performance. Later SOWs for the same contractor and similar duties can be performance-based, with greater confidence that the work will be accomplished satisfactorily.

There is no standard form for a SOW. Contracting officers and contracting officers' representatives may have varying opinions as to the contents of a SOW. Your SOW should contain at least the following elements: background, objectives, tasks or requirements, deliverables and delivery schedule, government furnished equipment, government furnished information,

security requirements, and place and period of performance. Separate headings are not necessarily required to develop this information into a procurement document.

- The background section describes the project in general, defines the purpose of the project, explains why the project is being undertaken, and discusses how it relates to other projects. The background may include a summary of statutory authority, applicable regulations, and copies of pertinent background materials in a reference or attachment.
- The objectives section provides a concise overview of the project, includes goals and objectives, and explains how the results and products of the project will be used.
- The tasks or requirements section describes specific work and management requirements, defining in detail what is expected of the contractor. This section provides objective standards of acceptable performance for the contractor and indicates the design output, verification, and design change management.
- The deliverables and delivery schedule sections clearly state the deliverables required, method of delivery, schedule for delivery, quantities of product, and to whom the



product should be delivered. This section describes the delivery schedule in calendar days from the date of the award. The delivery date and mailing date are different and should be labeled clearly to avoid confusion. If the delivery date is critical, discuss it during negotiations with the contractor. Any specialized expertise, service, training, or documentation required is identified here. This section also specifies printed and electronic copies to be provided, including the appropriate computer programs that develop both the product and quality indicators desired by the government.

- The government furnished equipment and government furnished information sections identify any government furnished equipment and government furnished information.
- The security requirements section states the security requirements for the project and includes, as needed, such statements as Freedom of Information Act Exempt, Enforcement Confidential, and Prepared in Anticipation of Litigation.

- The place of performance section specifies whether the work is to be performed at a government site, the contractor's site, or another site.
- The period of performance section specifies the period of performance in hours, days, weeks, or months.

### Language

- The SOW should contain simple words, phrases, and sentences. Be precise and consistent. Keep sentences short and concise.
- Use active verbs; avoid passive verbs.
- Use "shall" when describing a provision binding on the contractor. Use "will" to indicate actions by the government. Avoid "should" or "may" because they add a degree of uncertainty to the decision for action. Use consistent terminology.
- Avoid redundancy.
- Avoid vague or inexact words and generalizations. Avoid catchall and open-ended phrases, such as "is common practice in the industry," "as directed,"

"subject to approval," "any," "either," "and/or," or "etc."

- Define technical terms.
- Use abbreviations or acronyms only after spelling them out at first reference.
- Make available any document referenced unless the document is an industry standard.

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