The Statement of Work (SOW) is the heart of any Federal contract. It is designed to provide the contractor with an outline of required tasks, and it sets expectations for the contract, including pricing information and a schedule of deliverables.

Considerations for SOW Development

Some preliminary planning can help ensure an effective SOW. Questions that should be considered include:

- What needs to be accomplished?

- What tasks must be accomplished to achieve the desired result?

- What are the performance standards (e.g., completion of milestones, cost control measures) that should be outlined for offerers?

- What are the deliverables, and what is their expected delivery timeline?

- Who will perform each task (e.g., event managers, writers, IT personnel, graphic designers, subject matter experts)?

- What is the process for overseeing work? Testing? Monitoring?

- What resources are required (e.g., equipment, facilities)?

While preparing task statements, remember that each task statement describes what the contractor must do. For example, if the writer wants to produce a Spanish language factsheet with specific requirements, they could write,

"Contractor shall research, write, edit, revise, and produce a factsheet for Spanish-speaking adults. The factsheet shall be available as a 508-compliant document on the Web and in print (full color)."

Notice the use of "shall" and how it has been used to mandate the requirement.

SOW Writing Tips

The following tips can be used as a reference when creating an SOW.

- Be concise, use the active voice, and write in nouns and verbs.

- Position the task in terms of *enforceability and clarity* by using "work words" for each requirement.

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Work Words							
analyze	compare	deliver	evolve	install	observe	provide	search
annotate	consider	design	examine	institute	organize	pursue	secure
arrange	contribute	determine	explore	judge	oversee	recommend	research
attend	construct	develop	extract	maintain	perform	record	seek
audit	control	differentiate	form	make	plan	register	study
build	correct	edit	generate	manage	prepare	resolve	trace
calculate	create	establish	inquire	manufacture	probe	revise	track
catalog	define	evaluate	inspect	notice	produce	scan	write

- Avoid verbs that can lead to vague statements. The phrase "*the contractor shall perform*" definitively states which party is to do the work.

- Avoid "should" or "may" because they leave the decision for action up to the contractor. Similarly, phrases such as "carefully performed" and "subject to approval" are examples of unenforceable language.

- Avoid using "any", "either", or "and/or" unless you want to give the contractor a choice in what must be done.

- Use the verb "*shall*" for work to be completed by contractor – this is binding.

- Use the verb "*will*" when speaking about the Government's actions – this is binding.

- Avoid "including" as a standalone term. "*Including, but not limited to,…*" is preferred because it is more encompassing and allows for unforeseen or unlisted requirements. For example:

  "*including, but not limited to, press releases, biographies, backgrounders, and factsheets.*"

- Avoid the use of "etc." The contractor will not know what items could be missing from the list that might affect the labor required and pricing for the task order.

- Remember to check for incorrect grammar and syntax. This can drastically change the meaning of a statement and can negatively affect the outcome of a task order.

Example of Task Break-down

When defining tasks, it can be useful to logically separate them and then further define the requirements for the contractor. This makes it easier for the contractor to understand exactly what is required for the task order, which should lead to fewer questions from the contractor and less room for misinterpretation of the task order requirements. For example:

Task 1: Keep clearinghouse phones operational and available to the public from 9:00am to 5:00pm, Monday through Friday (Eastern Time).

- Availability shall be greater than or equal to 99.5% 9-5 ET, M-F.

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– Clearinghouse phones shall be fully manned. Any lack of availability shall not be caused by a lack of manning.

– Availability losses, their causes, and their durations shall be recorded and reported to the Task Order COR.

Task 2: Install virus definition updates to all computers on the network.

– Upon receipt of virus definition updates, the contractor shall install updates to all computers on the network within 24 hours.

– Installation shall not interfere with the normal operation of the computers on the network. Operations on the network shall not be interfered with between 7:30am and 5:30pm on government business days.

Types of Contracts

The NIHCATS III contract allows three types of task order contracts to be utilized, Time and Materials (T&M), Labor Hour (LH), and Fixed Price (FP). However, a hybrid may also be considered if appropriate. You may consider making your task order performance based which would include a performance-based SOW, an outline of standards for performance, and a surveillance plan for quality control (e.g., inspection processes and criteria). Before proceeding with your SOW, you should speak with your Task Order CO to determine the best contract type for your needs.

Additionally, remember that a Determinations and Findings (D&F) document will need to be approved in order to select either a T&M or LH contract type.

Outline for an SOW

The following definitions can be used as a reference while developing the sections of an SOW.

Background and Purpose: Provides an overview of the program, a description of what led to the contract, expected start and end dates of the contract, the type of contract, a description of any phases, and a definitions sub-clause describing any acronyms to be used or special terms or phrases used in the SOW.

Specific Requirements of Each Task: States each objective, task, or activity and clearly outlines expected or desired outcome(s).

Milestones and Schedule for Deliverables: Outlines each major task with expected due dates (if applicable), indicates any phases, and identifies who is to receive deliverables and reports. Specifies any required weekly meetings, status reports, progress reports, and meetings.

Other Topics to Consider
– Contractor Responsibility (e.g., staffing an event, purchasing software upgrades)
– Government Responsibility (e.g., furnishing laptops, issuance of keys)
– Security clearances, badges, and training requirements for contractors
– Equipment Monitoring Requirements
– IT Security
– Section 508 Compliance
– Non-Chargeable Maintenance Items
– Requirements pertaining to holidays, work hours (e.g., overtime, weekends), data requirements, records management, and property
– Evaluation Factors for Award
– Key Personnel

<u>Government-Furnished Resources</u>: Lists any equipment hardware, software, space, service manuals, documents, and data to be provided by NIH to the contractor.

<u>Travel Clause</u>: States when and how the Government is to fund the contractor's travel expenses and lists Federal travel clauses that apply.

<u>Relevant Skills and Experience Required</u>: Identifies any specific skill requirements needed to successfully complete the work.

<u>Performance Measures</u>: Outlines methods for measuring the contractor's performance to do the work (e.g., agreed upon dates; deliverables to be received, adherence to applicable budgets, development of quality assurance documents, and an outlined schedule for reports/presentations).

<u>Quality Assurance Plan</u>: Summarizes objectives, indicates performance/acceptance standards for each task, and explains any method of surveillance or inspection.

Resources

There are many good resources available on the internet that are designed to help you craft an SOW. Many of these are displayed in a search of the NIH site for "statement of work." Here is a short list for your reference.

Fifty Tips for Your Statement of Work, John E. Miller, in the National Contract Management Association's *Contract Management*, August 2007: http://www.ncmahq.org/files/Articles/9BAF4_CM0807_C02_p58.pdf.

GSA library of sample SOWs, including various types of support SOWs (e.g., language translation, outreach, web training): http://www.gsa.gov/portal/content/195713.

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