



U.S. Department of Justice


Justice Management Division

Management and Planning Staff

Washington, D.C. 20530

APR 20 2006

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM:  H.B. Myers
Assistant Director
Procurement Policy and Review

SUBJECT: DOJ Procurement Guidance Document (PGD) 06-06
Publication of Brand Name Justifications

In April 2005, the Office of Federal Procurement Policy (OFPP) issued guidance to mitigate the use of brand name specifications and to require the publication of justifications supporting the use of such specifications. DOJ Procurement Guidance Document 05-03 was issued to implement that guidance. On April 17, 2006, OFPP issued additional guidance which is implemented herein.

Pending update to the FAR to reflect the new publication requirement, agencies are required to post the brand name justifications or documentation to:

- 1) the Government-wide Point of Entry (GPE) system at www.fedbizopps.gov with the solicitation; or
- 2) the e-Buy system at <http://www.ebuy.gsa.gov> with the request for quotation (RFQ) when using the General Services Administration (GSA) Federal Supply Schedules (FSS).

The posting requirement applies to acquisitions exceeding \$25,000 that use brand name specifications, including simplified acquisitions and sole source procurements. If publication of the justification or documentation with the solicitation or the RFQ is inappropriate because one of the exceptions in FAR 5.102(a)(4) applies, agencies should keep a copy of the justification or documentation in the contract file.

A copy of the OFPP memorandum is attached . Please encourage your acquisition personnel to limit the use of brand name specifications and maximize competition. Please make this information immediately available to the appropriate people in your organization and add this document to your collection of DOJ Procurement Guidance Documents.

Attachment



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OFFICE OF FEDERAL
PROCUREMENT POLICY

April 17, 2006

MEMORANDUM FOR CHIEF ACQUISITION OFFICERS
SENIOR PROCUREMENT EXECUTIVES

FROM:

Robert A. Burton
Associate Administrator

SUBJECT:

Publication of Brand Name Justifications

The purpose of this memorandum is to provide additional guidance to agencies when publicizing a brand name justification. As you know, Federal Acquisition Regulation (FAR) 11.105 requires all agencies to prepare justifications when brand name specifications are used in the solicitation. In April 2005, we requested agencies to publicize the justification with the solicitation. Since the requirement to post the brand name justification or documentation is new and impacts the federal acquisition process, this change will be incorporated into the FAR. FAR Case 2005-037, Brand Name Specifications, was opened to address this subject.

While the FAR is being updated to reflect the new publication requirement, agencies are required to post the brand name justification or documentation to:

- 1) the Governmentwide Point of Entry (GPE) system at www.fedbizopps.gov with the solicitation; or
- 2) the e-Buy system at <http://www.ebuy.gsa.gov> with the request for quotation (RFQ) when using the General Services Administration (GSA) Federal Supply Schedules (FSS).

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Agencies should encourage their acquisition professionals to limit the use of brand name specifications and maximize competition. Questions regarding this memorandum may be directed to Julia Wise on (202) 395-7561 or jwise@omb.eop.gov.