



APD ALERT

Use of Brand Name Specifications

Purpose

This APD ALERT is to remind all acquisition personnel of the need to maintain vendor and technology neutral contract specifications and to comply with the requirements in the Federal Acquisition Regulation (FAR) regarding the use of brand name specifications. This guidance applies to all acquisitions, including simplified acquisitions.

Policy

FAR 11.105 states “agency requirements shall not be written so as to require a particular brand name, product, or feature of a product, peculiar to one manufacturer, thereby precluding consideration of a product manufactured by another company ...” An exception to this rule is allowed only if there is a written justification and a “particular brand name, product or feature is essential to the Government’s requirements, and market research indicates other companies’ similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency’s needs.”

How does this affect me?

Acquisition personnel must publicize the brand name justification with the contract solicitation when the solicitation is posted on the Federal Business Opportunities Web site (www.fedbizopps.gov). If publication of the justification is inappropriate because of national security, trade secrets, or similar concerns, a copy of the justification should be provided to the Office of Federal Procurement Policy.

If you have questions regarding this Alert, please contact Armenda G. Daye at 301-504-1734 or e-mail at: adaye@ars.usda.gov.

EFFECTIVE DATE: This guidance is effective immediately.