

11.105 Items peculiar to one manufacturer.

Agency requirements *shall* not be written so as to require a particular brand name, product, or a feature of a product, peculiar to one manufacturer, thereby precluding consideration of a product manufactured by another company, unless-

(a)

(1) The 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;

(2)

(i) The authority to contract without providing for *full and open competition* is supported by the required justifications and approvals (see [6.302-1](#)); or

(ii) The basis for not providing for maximum practicable competition is documented in the file (see [13.106-1\(b\)](#)) or justified (see [13.501](#)) when the *acquisition* is awarded using *simplified acquisition procedures*.

(3) The documentation or justification is posted for *acquisitions* over \$25,000. (See [5.102\(a\)\(6\)](#).)

(b) For multiple award schedule orders, see [8.405-6](#).

(c) For orders under indefinite-quantity contracts, see [16.505\(a\)\(4\)](#).

Parent topic: [Subpart 11.1 - Selecting and Developing Requirements Documents](#)