11.002 Policy.

(a) In fulfilling requirements of 10 U.S.C. 3206(a), 10 U.S.C. 3453, 41 U.S.C. 3306(a), and 41 U.S.C.3307, agencies *shall*-

(1) Specify needs using *market research* in a manner designed to-

(i) Promote *full and open competition* (see part 6), or maximum practicable competition when using *simplified acquisition procedures*, with due regard to the nature of the *supplies* or services to be acquired; and

(ii) Only include restrictive provisions or conditions to the extent necessary to satisfy the needs of the agency or as authorized by law.

(2) To the maximum extent practicable, ensure that *acquisition* officials-

(i) State requirements with respect to an *acquisition* of *supplies* or services in terms of-

(A) Functions to be performed;

(B) Performance required; or

(C) Essential physical characteristics;

(ii) Define requirements in terms that enable and encourage *offerors* to supply *commercial products* or *commercial services* or, to the extent that *commercial products* suitable to meet the agency's needs are not available, *nondevelopmental items*, in response to the agency *solicitations*;

(iii) Provide *offerors* of *commercial products*, *commercial services*, and *nondevelopmental items* an opportunity to compete in any *acquisition* to fill such requirements;

(iv) Require prime contractors and subcontractors at all tiers under the agency contracts to incorporate *commercial products*, *commercial services*, or *nondevelopmental items* as *components* of items supplied to the agency; and

(v) Modify requirements in appropriate cases to ensure that the requirements can be met by *commercial products* or *commercial services* or, to the extent that *commercial products* suitable to meet the agency's needs are not available, *nondevelopmental items*.

(b) The Metric Conversion Act of 1975, as amended by the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 205a, *et seq.*), designates the metric system of measurement as the preferred system of weights and measures for *United States* trade and commerce, and it requires that each agency use the metric system of measurement in its *acquisitions*, except to the extent that such use is impracticable or is likely to cause significant inefficiencies or loss of markets to *United States* firms. Requiring activities are responsible for establishing guidance implementing this policy in formulating their requirements for *acquisitions*.

(c) To the extent practicable and consistent with subpart 9.5, potential *offerors should* be given an opportunity to comment on agency requirements or to recommend application and tailoring of requirements documents and alternative approaches. Requiring agencies *should* apply specifications, standards, and related documents initially for guidance only, making final decisions

on the application and tailoring of these documents as a product of the design and development process. Requiring agencies *should* not dictate detailed design solutions prematurely (see 7.101 and 7.105(a)(8)).

(d)

(1) Agencies *shall* procure *sustainable products and services* (as defined in 2.101) in accordance with subpart 23.1).

(2) Unless it is not practicable (see 23.104(a)) or an exception or exemption applies (see 23.105 and 23.106, respectively), agencies *shall* incorporate the use of *sustainable products and services* when—

(i) Developing, reviewing, or revising Federal and military specifications, product descriptions (including commercial item descriptions) and standards;

(ii) Describing Government requirements for *products* and services; and

(iii) Developing source-selection factors.

(3) The Green *Procurement* Compilation (GPC) available at *https://sftool.gov/greenprocurement* provides a comprehensive list of *sustainable products and services* and other related *sustainable acquisition* guidance. Agencies *should*—

(i) Consult the GPC when determining which purchasing programs apply to a specific product or service; and

(ii) Incorporate into agency requirements any required standards, specifications, or ecolabels identified in the GPC for a specific product or service.

(e) Some or all of the performance levels or performance specifications in a *solicitation may* be identified as targets rather than as fixed or minimum requirements.

(f) In accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), the *contracting officer shall* obtain from the requiring activity the requirement documents, which *must* identify—

(1) The needs of current and future users with disabilities to determine how–

(i) Users with disabilities will perform the functions supported by the *information and communication technology (ICT*);

(ii) The ICT will be developed, installed, configured and maintained to support users with disabilities;

(2) The applicable ICT accessibility standards (see subpart 39.2); and

(3) Any ICT accessibility standards that cannot be met due to an exception or an exemption for any *component* or portion of the product (see 7.105(b)(5)(iv), 39.204, and 39.205).

(g) Unless the agency Chief Information Officer waives the requirement, when acquiring *information technology* using Internet Protocol, the requirements documents *must* include reference to the appropriate technical capabilities defined in the USGv6 Profile (NIST Special Publication 500-267) and the corresponding declarations of conformance defined in the USGv6 Test Program. The

applicability of IPv6 to agency networks, infrastructure, and applications specific to individual *acquisitions* will be in accordance with the agency's Enterprise Architecture (see OMB Memorandum M-05-22 dated August 2, 2005).

(h) Agencies *shall* not include in a *solicitation* a requirement that prohibits an *offeror* from permitting its employees to telecommute unless the *contracting officer* executes a written determination in accordance with FAR 7.108(a).

Parent topic: Part 11 - Describing Agency Needs