

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](#)