



ACQUISITION  
TECHNOLOGY  
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
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WASHINGTON DC 20301-3000

MAY 13 2008

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS  
COMMAND (ATTN: ACQUISITIONS EXECUTIVE)  
COMMANDER, UNITED STATES TRANSPORTATION  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(POLICY AND PROCUREMENT), ASA (ALT)  
DEPUTY ASSISTANT SECRETARY OF THE NAVY  
(ACQUISITION AND LOGISTICS MANAGEMENT),  
ASN (RDA)  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING), SAF/AQC  
DIRECTORS, DEFENSE AGENCIES  
DIRECTORS, DOD FIELD ACTIVITIES

SUBJECT: Brand Name Specifications and Competition

The Office of Management and Budget (OMB) issued policy memoranda in April 2005 and April 2006 implementing brand name posting requirements for all federal acquisitions (including simplified acquisitions and sole source procurements) over \$25,000.00. OMB issued a follow up policy memorandum in November 2007, based on complaints received regarding the inappropriate use of brand name or equal purchase descriptions

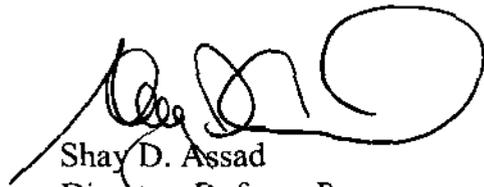
*I am concerned that DoD components may not be properly following the brand name or equal policy. My office was presented with the results of a sampling of solicitations issued by the Department of Defense (DoD) from May 12, 2007, through November 12, 2007. In that period, there were 139 solicitations issued by DoD components on FedBizOpps that specified a particular brand name microprocessor. Of the 139 brand name microprocessors, 102 or 73% did not allow for the use of an equivalent. While the survey we received dealt with information technology (IT), the increased use of brand name specifications is not limited to procurements for IT.*

The purpose of this memorandum is to reinforce the need to maintain neutral contract specifications and to ensure that the Department strictly complies with the requirements in the Federal Acquisition Regulation (FAR) regarding the use of brand name specifications and providing for full and open competition in soliciting offers and

awarding Government contracts. Contracting Officers shall provide for full and open competition through use of competitive procedure(s) that are best suited to the circumstances of the contract action and are consistent with the need to fulfill the Government's requirements efficiently.

*The use of brand name specifications limits competition and discourages innovation. However, if it is necessary to use brand name specifications, contracting officers must prepare and publicize brand name justification or documentation on the appropriate Web site in accordance with FAR 5.102(a)(6) and 8.405-6.*

This guidance applies to all acquisitions made by or on behalf of the DoD, including simplified acquisitions, GSA schedule purchases, and sole source procurements. My point of contact for this memorandum is Susan M. Hildner at 703-697-0895 or [susan.hildner@osd.mil](mailto:susan.hildner@osd.mil).

A handwritten signature in black ink, appearing to read 'Shay D. Assad', with a large circular flourish at the end.

Shay D. Assad  
Director, Defense Procurement,  
Acquisition Policy, and  
Strategic Sourcing