

## Federal Property Management Regulations

## § 101-29.403-2

### § 101-29.402 Exceptions to mandatory use of Federal product descriptions.

(a) Federal product descriptions do not need to be used under any of the following circumstances:

(1) The purchase is required under a public exigency and a delay in obtaining agency requirements would be involved in using the applicable description.

(2) The total amount of the purchase is less than \$10,000. (Multiple small purchases of the same item shall not be made for the purpose of avoiding the intent of this exception. Further, this exception in no way affects the requirements for the procurement of items available from GSA supply distribution facilities, Federal Supply Schedule contracts, GSA procurement programs, and certain procurement sources other than GSA that have been assigned supply responsibility for Federal agencies as provided in subparts 101-26.3, §101-26.4, and §101-26.5).

(3) The items are purchased in foreign markets for use of overseas activities of agencies.

(4) The products are adequately described in voluntary standards or in standards mandated by law.

(5) The acquisition involves a one-time procurement.

(6) A Federal product description is not currently available and is not expected to be available within a reasonable time of the scheduled acquisition action.

(7) The product is available only from a single source or is produced to a single manufacturer's design.

(8) The product is unique to a single system.

(9) The product (excluding military clothing) is acquired for authorized resale.

(b) If the purchase involves the following, Federal product descriptions do not need to be used except to the extent they are applicable, in whole or in part:

(1) Items required in construction of facilities for new processes or new installations of equipment;

(2) Items required for experiment, test, or research and development; or

(3) Spare parts, components, or material required for operation, repair, or maintenance of existing equipment.

### § 101-29.403 Federal product description exceptions and tailoring.

#### § 101-29.403-1 Authorization of exceptions.

When the exceptions listed in §101-29.402 do not apply and an applicable indexed product description is desired for use in procurement but does not meet an agency's essential needs, exceptions to the product description to effect procurement may be authorized as follows:

(a) All exceptions to Federal telecommunications standards require prior approval by the Assistant Administrator for Information Resources Management, General Services Administration, Washington, DC 20405.

(b) Preparing activities may designate specific product descriptions that require approval of exceptions by the preparing activity before use.

(c) Exceptions to Federal product descriptions that do not require prior approval under paragraphs (a) and (b) of this section may be authorized by the acquiring agency if:

(1) Justifications for exceptions are subject to review before authorization and that such justification can be fully substantiated if post audit is required;

(2) Notification of exception or recommendation for change to the Federal product description is sent promptly to the preparing activity and the General Services Administration (FCO), Washington, DC 20406.

(A statement of the exception with a justification and, where applicable, recommendation for revision or amendment to the description)

#### § 101-29.403-2 Agency responsibility relative to exceptions to Federal product descriptions.

Each agency taking exceptions shall establish procedures whereby a designated official having substantial procurement responsibility shall be responsible for assuring that Federal product descriptions are used and provisions for exceptions are complied with.