

 <p style="text-align: center;">STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES</p> <p style="text-align: center;">Policy and Procedure</p>	POLICY AND PROCEDURE NUMBER 10.02.050	PAGE 1 of 2
	EFFECTIVE DATE May 27, 2020	
SUBJECT Specifying of Brand Name Products	SUPERSEDES 10.02.050	DATED March 1, 2014
CHAPTER Procurement and Property	SECTION Contracting	APPROVED BY Signature on File

PURPOSE

This formalizes the policy and procedure (P&P) of the department on specifying brand name or proprietary products in construction contracts.

POLICY

Construction contract specifications will not unduly limit the furnishing of products, materials, equipment, or processes to those of particular brand names, makes or proprietors.

PROCEDURE

Writers and reviewers of construction contract specifications will ensure that the specifications are written to permit the use of any product, material, equipment, or process that will perform the required function while meeting the standards of quality set for such items in the contract.

When more than one acceptable product exists, reference to a particular brand name, etc., may be used only to establish the standard of quality and will not be used to limit competition among like items. In this case, the substitution of an approved equal will be allowed, provided there is no increase in contract price. When used in this manner, the brand name product must be accompanied by the salient characteristics that describe the minimum performance requirements. Alternate products that satisfy the salient characteristics will be considered equal to the specified brand name product.

The specifications will not restrict any item to be used in the project to that of a particular brand name, make, and catalog number or proprietor, unless:

- the item specified must match an existing item or system to facilitate operation, maintenance or continuity; or
- the item specified is the only one that will perform the required function.

When only one brand name product will satisfy the state's needs under one of the conditions above, the designer or project manager must prepare a written determination for the contracting officer's approval before advertising.

For all state and federal funded projects, the contracting officer is the final approver for a brand name product determination request in accordance with 2 AAC 12.100.

For Federal Aviation Administration (FAA) funded Airport Improvement Projects, contracts specifying brand name products is considered a noncompetitive procurement method. Therefore, in addition to the contracting officer's approval, the FAA must approve a brand name product determination before advertising.

AUTHORITY

AS 36.30.060
2 AAC 12.090-100
2 CFR 200.319

IMPLEMENTATION RESPONSIBILITY

Regional directors, system directors/managers, project managers, engineering managers and contracts staff

DISTRIBUTION

All department employees via the DOT&PF website