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OMB Orders Halt to Brand Name Procurement

By Charles R. Babcock

Washington Post Staff Writer

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Steve Kester and his colleagues from chipmaker Advanced Micro Devices Inc. were tired of seeing federal agencies specify Intel Corp. or Pentium when they ordered computer products. Paul Miller's group of family-owned companies was upset last year when the Department of Health and Human Services ordered \$81 million worth of office products using Staples and Office Depot vendor numbers.

So they complained to the government, and this week they got a little help. On Monday, the Office of Management and Budget sent a memo to senior government procurement officials reminding them to stop using brand name specifications in procurements because the practice violates federal regulations, stifles competition and risks limiting small-business participation.

"We are concerned the use of brand name specifications in agency solicitations may have increased significantly in recent years, particularly for information technology procurements," said the memo from David H.

Safavian, head of federal procurement policy, and Karen S. Evans, who oversees information technology. The memo cited examples of agencies asking for "microprocessors associated with a single manufacturer" and the office supply order so familiar to Miller.

The memo said contracts should focus on performance characteristics, rather than brand names. If a brand name purchase is warranted, OMB asked agencies to start posting written justifications for the action on the Federal Business Opportunities Web site, along with the contract solicitation.

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Kester, of AMD's government relations office, said in an interview that he and colleagues went "door to door" over the past year trying to educate procurement officers at a dozen agencies. Company officials also met last fall with Safavian, he said.

AMD issued a press release yesterday praising the OMB memo as a positive step. "We see this as a long-term education effort," Kester said. "The government is going to benefit from competition. . . . Brand name means no choice."

Miller, director of government affairs at the National Office Products Alliance, said his group wrote OMB in January to complain. He said the group is still upset that the agency didn't reopen the supply contract that went to Office Depot last year.

"This administration says it would like to use more small businesses," he said. "The problem is it isn't getting down to the agencies."

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