description, or pertinent extracts, may be used if the description is identified in the solicitation as being that of the manufacturer, producer, or distributor. The contracting officer shall ensure that a copy of any catalog referenced (except parts catalogs) is available on request for review by offerors at the contracting office.

(f) Offerors offering brand-name products shall not be required to furnish samples; however, solicitations may require the submission of samples from offerors proposing "or equal" products.

(g) Proposals offering products differing from brand-name products referenced in a "brand-name-or-equal" purchase description shall be considered for award if the contracting officer determines under the provision at 1852.210–70 that the offered products meet the salient characteristics required by the solicitation. Offers shall not be rejected because of minor differences in design, construction, or features that do not affect the suitability of the products for their intended use.

(h) Except as provided in paragraph (i)(1) of this section, when a "brandname-or-equal" purchase description is included in a solicitation, the following shall be inserted after each item so described in the solicitation for completion by the offeror:

Offering:

Manufacturer's Name

Brand

(i)(1) Where components of an end item are described in the solicitation by a "brand-name-or-equal" purchase description and the contracting officer determines that applying the provision at 1852.210–70 to them would be impracticable, the requirements of paragraph (h) of this section shall not apply. In such cases, if the provision is included in the solicitation for other reasons, a statement substantially as follows shall be included:

No.

The provision entitled Brand Name or Equal does not apply to the following components:

(List the components to which the provision does not apply.)

(2) If the contracting officer determines that the provision at 1852.210–70 should apply only to certain components, the requirements of paragraph (h) of this section shall apply to them, and a statement substantially as follows shall be included:

The provision entitled Brand Name or Equal applies to the following components: (List the components to which the provision applies.) (j) The policies and procedures prescribed in paragraphs (a) through (i) of this section apply to sealed-bid and negotiated procurements. If use of the provision is not practicable (as may be the case, for example, in exigency purchases), suppliers shall be informed that proposals offering products different from the products referenced by brand name will be considered if the contracting officer determines that they are equal in all significant and material respects to the products referenced.

1810.007 Deviations.

If an exception or deviation from a Federal or military specification is required—

(a) The contracting officer shall, before issuing the solicitation, submit a fully documented and justified request for the deviation to the procurement officer; and

(b) The procurement officer shall comply with FAR 10.007(a).

1810.008 Identification and availability of specifications.

Each solicitation shall include the applicable specifications, standards, plans, drawings, and other pertinent documents, or shall state where they can be obtained or examined.

1810.008–70 Brand-name-or-equal awards.

Award documents shall identify or incorporate by reference an identification of the specific products the contractor is to furnish. This identification shall include any brand name and make or model number, descriptive material, and any modifications of brand-name products specified in the solicitation. Included in this requirement are those instances in which (a) the description of the end item contains "brand-name-or-equal" purchase descriptions of components or of accessories related to the end item and (b) the solicitation includes the provision at 1852.210-70 as applicable to such components or accessories (see 1810.004-70(i)).

1810.011 Solicitation provisions and contract clauses.

1810.011–70 NASA solicitation provisions and contract clauses.

(a) When a "brand-name-or-equal" purchase description is used, the contracting officer shall insert in the solicitation the provision at 1852.210–70, Brand Name or Equal.

(b) The contracting officer shall insert the provision at 1852.210–71, Descriptive Literature for Used Material, in solicitations containing FAR provision 52.210–6, Listing of Used or Reconditioned Material, Residual Inventory, and Former Government Surplus Property. Insert the information needed to make a determination that the items to be furnished can reasonably be expected to conform to the requirements of the solicitation.

(c) The contracting officer may insert a clause substantially as stated in 1852.210–72, Supplies and/or Services to be Furnished, in all solicitations and contracts to indicate the items to be delivered. Insert the item number, description of the supplies (see FAR 2.101 for definition) and/or services to be furnished, quantities to be furnished, unit and unit price (if applicable), and total dollar amount. The column headings may be modified for what is being acquired and the type of contract.

(d) The contracting officer shall insert a clause substantially as stated at 1852.210–75, Packaging and Marking, in solicitations and contracts where the packaging and marking requirements of NASA Handbook (NHB) 6000.1 and/or MIL–STD–2073–1 and MIL–STD–2073– 2 are appropriate. Insert the applicable information for the particular procurement. Substitute Alternate I for paragraphs (a), (b), (c), and (d) of the basic clause if commercial packing and marking practices are to be used. Add Alternate II if space flight item(s) are to be delivered.

PART 1812—CONTRACT DELIVERY OR PERFORMANCE

Subpart 1812.3—Priorities and Allocations

1812.302 [Amended]

34. In section 1812.302(a), the phrase "Headquarters Acquisition Liaison Division, Code HP" is revised to read "Headquarters Program Operations Division, Code HS".

1812.303-70 [Amended]

35. In paragraph (e) of section 1812.303–70, the phrase "The Headquarters Acquisition Liaison Division (Code HP)" is revised to read "The Headquarters Program Operations Division (Code HS)", and at the end of the paragraph, "Code HP" is revised to read "Code HS".

PART 1814—SEALED BIDDING

Subpart 1814.2—Solicitation of Bids

1814.201-2 [Removed]

36. Section 1814.201–2 is removed. 37. and 38. In section 1814.201–5,

paragraph (a) is revised, paragraph (b) is removed, and paragraph (c) is redesignated as paragraph (b) to read as follows: