

PACIFIC SCIENTIFIC EMC – COMMERCIAL ITEM STATUS

Part Number: _____

Description: _____

Offeror: _____

If claiming an exemption, offeror must provide the appropriate information to determine commerciality. Refusal to provide the required information can result in an assist audit being requested from the Defense Contract Audit Agency or other cognizant Government Audit Agencies and / or a determination that goods and/or services offered do not constitute a “commercial item.”

Offeror hereby represents that to the best of its knowledge, information, and belief goods and/or services offered constitute a “commercial item” as defined by FAR 2.101 because it constitutes:

A. Commercial Item or Component Justification (required for any claim):

Key Inquiries and Summary of your Supporting Information:

What is the relevant “type” of item? _____

What are the types of items uses by the general public or by non-governmental entities for other than governmental purposes? _____

What indicates the type of item’s use described above is customary? _____

Has the offered item itself (as opposed to the type of item) been sold or offered for sale?

YES NO

Are the offered item’s sales (or offers to sale) to the general public?

YES NO

Please provide data regarding sales, leases, or licenses of this item and identification of the non-government use entities.

	Value	Non-Government Use Entities
(a) Sales		
(b) Leases		
(c) Licenses		
(d) Offers to Sell ¹		
(e) Offers to Lease ²		
(f) Offers to License ³		

To the general public in the
time-frame beginning

_____ (date)

, and
ending

_____ (date)

In addition, as an appendix to this commercial item determination provide supporting documentation in the form of:

- ¹ that have not materialized into sales
- ² that have not materialized into leases
- ³ that have not materialized into licenses

1. Verification of sales history to source documents,
2. Identification of customarily offered discounts for the item,
3. Verification of the item to an existing catalog or price list, and
4. Verification of historical data for an item previously not determined commercial that the offeror is now trying to qualify as a commercial item.

(check box(es) as appropriate)

I. Unmodified Commercial Items or Components (Complete Section A)

Any item, other than real property, that is a of a type customarily used by the general public or by nongovernmental entities for purposes other than governmental purposes, and:

- (i) Has been sold, leased, or licensed to the general public; or
- (ii) Has been offered for sale, lease, or license to the general public.

II. Item Evolved from Commercial Items or Components

Any item that evolved from an item described in Part I (which is required if claiming this exemption) of this definition through advances in technology or performance and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a United States Government solicitation.

If claiming the item Evolved from Commercial Items or Components exemption then the following information must be provided

Key Inquiries and Summary of Your Supporting Information:

Does the item on which the offered item is based qualify as a commercial item (use Part I)?

YES NO

If yes, describe the relationship of the modifications to the Federal Government requirement. _____

What are the advances in technology or performance between the offered item and the commercial item on which it is based? _____

What is your support for such advances? _____

What is your support for availability of the item in time to meet requirements? Is the claim availability reasonable? _____

Please provide data regarding:

(a) Currently pending offers, including:

i. Unit Prices \$ _____

ii. Total Units \$ _____

(b) Planned Offers Including:

i. Unit Prices \$ _____

ii. Total Units \$ _____

In all instances scheduled for delivery no later than the delivery requirements under the:

(c) Data in the format of Part I for completed sales of the item from which the "commercial item" evolved.

III. Modified Commercial Items or Components

Any item that would satisfy a criterion expressed in Part I or II hereof, but for -

(i) Modifications of a type customarily available in the commercial marketplace

If claiming Modified Commercial Item or Components that are of a type customarily available in the commercial marketplace then the following information (in addition to Section A) must be provided:

Key Inquiries and Summary of Your Supporting Information:

Does the item on which the offered item is based qualify as a commercial item (use part I or parts II and II)?

YES NO

What are the modifications that would be made to the commercial item? _____

Are the modifications of a type customarily available in the commercial marketplace?

YES NO

Summarize your support for customary availability of the modification in the commercial marketplace.

- (ii) Minor modifications of a type not customarily available in the commercial marketplace made to meet federal government requirements. "Minor modifications" means modifications that do not significantly alter the nongovernmental function or essential physical characteristics of an item or component, or change the purpose of a process. Factors to be considered in determining whether a modification is minor include the value and size of the modification and the comparative value and size of the final product. Dollar values and percentages may be used as guideposts, but are not conclusive evidence that a modification is minor;

If claiming Modified Commercial Items or Components that are not of a type customarily available in the commercial marketplace then the following information (in addition to Section A) must be provided:

Are the modifications made to satisfy Federal Government requirements?

YES NO

Do the modifications alter the nongovernmental function or essential physical characteristics of the item?

YES NO

If yes, what are the alterations? _____

Does the modified item retain a predominance of nongovernmental functions or physical characteristics?

YES NO

Summarize your support, describing the value of the modifications in comparison to the value of the final product. _____

Summarize your support for the magnitude or size of the modifications in relation to the magnitude or size of the final product. _____

Are there any other factors, which would allow you to conclude that the modifications are minor?

YES NO

If yes, what are they? _____

Based on the above, does the modification qualify as a minor modification?

YES NO

Please provide data regarding the minor modification and the total price to PSEMC of Minor Modifications.

Unmodified Items Identified in Part 1		Modified Items Proposed to PSMEC		Unit Value of Modification
Unmodified Item	Unmodified Price	Modified Item	Modified Price to PSEMC	

Price to PSEMC of all Minor Modifications at quantities proposed in this pricing action: _____

Minor modifications that exceed the thresholds in FAR 15.403-1(c)(3)(iii)(B) are subject to the Certified Cost or Pricing Data requirements and must be proposed as described by FAR 15.408, Table 15.2.

IV. Commercial Items Support Services

Installation services, maintenance services, repair services, training services, and other services if -

- (i) Such services are procured for support of an item referred to in Parts I, II, III or IV hereof, regardless of whether such services are provided by the same source or at the same time as the item; and
- (ii) The source of such services provided similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.

If claiming Commercial Item Support Services exemption then the following information must be provided

Key Inquiries and Summary of Your Supporting Information:

Are the services procured for the support of a commercial item, which qualifies under a preceding part?

YES NO

Describe the nature of the services and how they support the commercial item. _____

Are the services provided at the same time to the general public and the Federal Government?

YES NO

Are the terms and conditions for the services similar to those offered to the general public?

YES NO

Describe differences: _____

Please provide data regarding:

a. Open and completed contracts, including:

(i). Prices: \$ _____

(ii). Total Units: _____

b. Pending offers including:

(i). Prices: \$ _____

(ii). Total for
such services: _____

V. Any Combination of Items

Meeting the requirements of Parts I, II, III, or IV hereof that are of a type customarily combined and sold in combination to the general public.

If you have checked the above box and are claiming the Any Combination of Items exemption, please attach hereto information as requested for Parts I, II, III, and IV.

VI. Other Commercial Services

Services of a type offered and sold competitively in substantial quantities in the commercial marketplace based on established catalog or market prices for specific tasks performed or specific outcomes to be achieved and under standard commercial terms and conditions. For purposes of these services -

- (i) Catalog price means a price included in a catalog, price list, schedule or other form that is regularly maintained by the manufacturer or vendor, is either published or otherwise available for inspection by customers, and states prices at which sales are currently, or were last, made to a significant number of buyers constituting the general public; and
- (ii) Market prices means current prices that are established in the course of ordinary trade between buyers and sellers free to bargain and that can be substantiated through competition or from source independent of the offerors.

If claiming the Other Commercial Services exemption then the following information must be provided

Key Inquiries and Summary of Your Supporting Information:

Are the services sold competitively in substantial quantities in the commercial marketplace?

YES NO

If no, are the services of a type sold in substantial quantities in the commercial marketplace?

YES NO

Summarize your support for same: _____

If yes, what is the "type" of service? _____

Summarize your support for same: _____

Are the prices quoted for specific tasks performed or specific outcomes to be achieved?

YES NO

Are the services offered consistent with your standard terms and conditions?

YES NO

Are the services of a type sold at catalog or market prices?

YES NO

If sold at catalog price, is the price included in a catalog, price list, schedule, or other form that is regularly maintained by the manufacturer or vendor?

YES NO

If sold at catalog price, is the catalog or its equivalent either published or otherwise available for inspection by customers?

YES NO

Summarize your support for same. (include a copy of the catalog or provide location) _____

If sold at a catalog price, are the listed prices those at which sales are currently, or were last, made to a significant number of buyers in the general public?

YES NO

Summarize your support for same. _____

If sold at a market price, are the prices established in the course of ordinary trade between buyers and sellers free to bargain?

YES NO

Summarize you support for same. _____

If sold at market price, can the price be substantiated through competition or from sources independent of the offeror?

YES NO

Summarize your support for same.

Please provide data regarding:

(a) Open and completed contracts, including:

(i). Prices: \$ _____

(ii). Total Units: _____

(b) Pending Offers, including

(i). Prices: \$ _____

(ii). Total for such
services: _____

VII. Any Item, Combination of Items, or Service

Referred to in Parts I through VI hereof, notwithstanding the fact that the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of the Offeror.

If you have checked the above box and are claiming the "Any item, combination of items, or Service" exemption, please provide data regarding:

(a). Transfer price(s) of such goods: \$ _____

(b). Total units of such goods and / or: _____

VIII. Non-developmental Items

A non-developmental item, as defined in FAR 2.101, which has been developed exclusively at private expense and sold in substantial quantities on a competitive basis, to multiple State and local governments.

If claiming the Non-developmental Items exemption then the following must be provided

Key Inquiries and Summary of Supplier's Supporting Information:

Was the item previously developed?

YES NO

Was the item used exclusively for governmental purposes by a Federal agency, a State or local government, or a foreign government with which the United States has mutual defense cooperation agreement?

YES NO

If the item is to be modified, do the modifications comply with Part III guidance on modifications?

YES NO

If the item is not yet in use, does it otherwise qualify as a non-developmental item?

Offeror hereby represents that the foregoing information is accurate and complete and that to the best of its knowledge, information, and belief goods and / or services offered currently constitute "a commercial item" as defined by FAR 2.101.

Offeror:

By: _____

Title: _____

Date: _____

For PSEMC Internal Use Only:

XII. Supplier Determination

Supplier has claimed that the item, component, or service identified above is a commercial item under the definition at FAR 2.101. I have reviewed and summarized the supplier's support for that claim in the appropriate sections above. Based on such review of such support information and any other information identified elsewhere herein, I conclude that the supplier:

HAS **HAS NOT** Supported its claim of commercial item status under the definition at FAR 2.101.

If the supplier **HAS NOT** supported its claim, list reasons: _____

Describe action plan to resolve: _____

Comments: _____

Buyer (Type or Print Name)

Date