

Supplier Name:

SUPPLIER ASSERTION OF COMMERCIALITY

(Reference: FAR 2.101 Definitions)

Instructions

- If providing Items (products) complete Pages 1-2 and sign this form, use the “Additional page” if needed.
- If providing Services skip to category (5) Commercial Service
- Suppliers that provide only COTS are exempt from completing this form
- Provide Catalogs, brochures and other literature if appropriate

Part/Service Number	Description

If additional space is needed please use the last page of this form.

Category: (1) Commercial Product/Item		
<p>Definition. A product, other than real property, that is of a type customarily used by the general public or by nongovernmental entities for purposes other than governmental purposes.</p> <p>For example Commercial Item Automatic Direction Finder Antenna (ADF) the version of this antenna used on Blackhawk helicopters is of a size and shape not used by other helicopters however there are several vendors that do sell ADF antennas in <u>substantial quantities for the same purpose</u>. After comparing these it was determined the ADF antenna is commercial even though the exact same antenna is not sold to other than the USG.</p>		
<p>Question 1 Has been sold, leased, or licensed to the general public; or Has been offered for sale, lease, or license to the general public.</p>	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No

Category: (2) Commercial Evolved		
<p>Definition. A product that evolved from a product described in category (1) 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 Government solicitation.</p> <p>Examples of a Product that has evolved are: Software (Word 2013, Word 2016, etc.) this product has evolved due to technology improvements onto a next version, it is available to any industry other than the USG (general public), other examples are: heavy trucks, construction vehicles, surveillance systems, integrated circuits, battery cells, Personal Protective Equipment (PPE). Key words: upgrade, new version.</p>		

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Question 2 Did this item evolved from a Commercial item due to improvements in technology? If Yes, Will it be offered in the commercial market before it is delivered under your contract?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No

Category: (3) Commercial with Modifications

Definition. A product that would satisfy a criterion expressed in paragraph (1) or (2) of this definition, except for-

- (i) Modifications of a type customarily available in the commercial marketplace; or
- (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.

Questions 3 (i) Does the proposed item meet the criteria for Commercial or Commercial Evolved but include modifications? If Yes, (ii) Does the item(s) have modifications available in the commercial market? Are these modifications minor "of a type" and not customarily available in the commercial market? Note: Do you perform similar modifications for non-Government customers? Remember a minor modification will not impact the commercial nature of the product.	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No go to question 4
	<input type="checkbox"/>	Yes

Commerciality checkpoint	Question 4 Any combination of products meeting the requirements of paragraph (1) Commercial , (2) Commercial Evolved, or (3) Commercial with Modifications of this definition that are of a type customarily combined and sold in combination to the general public.	<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No

(5) Category Commercial Service

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

- (i)Such services are procured for support of a commercial product as defined in this section, regardless of whether such services are provided by the same source or at the same time as the commercial product; and
- (ii)The source of such services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government;

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.

Question 5	<input type="checkbox"/>	Yes
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<p>Are the Services for support of a product that meets the requirements of (1) Commercial (2) Commercial Evolved, (3) Commercial with Modifications or (4) A combination of (1), (2), (3) or (4)? Do you provide similar services to the general public under similar Terms and Conditions to those offered to the Government? Yes answering Yes to both questions check on the “Yes” box, if one of your answers is not then check on “No</p>		<input type="checkbox"/>	No
Commerciality checkpoint (6)	<p>Question 6 Do you provide services “of a type” (similar to a commercial service) in substantial quantities in the commercial market based on established catalog or market prices? Are these services provided under Standard Terms and Conditions?</p>	<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No
Commerciality checkpoint (7)	<p>Question 7 Does the item or service meet the criteria (1) thru (6), Are these services transferred between your divisions internally?</p>	<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No

Category: (8) Non Developmental Item		
<p>Definition. A non-developmental item (NDI). 1) NDI are products that were developed exclusively for governmental purposes by a Federal Agency, a State and Local Governments or a foreign government that has a mutual defense cooperation agreement. 2) This item could be a modified commercial product. 3) Other product that does not meet requirements 1) and 2) because it is not yet in use.</p> <p>Example: mechanical dereefer (mechanism for releasing Parachute reefing lines) developed and used first by the US Army later sold to the Canadian Army.</p>		
<p>Question 8 Was this item (product) was developed exclusively at private expense and sold in substantial quantities, on a competitive basis, to multiple State and local governments?</p>	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No

Please attach any supportive documentation (notes, brochures, literature, etc.).

X

Name & Title: Click on box here to enter text.

(Authorized Representative)

Date: Click on box here to enter date.

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OT23-011, Supplier Assertion of Commerciality, Rev. 1; Date: 1/18/2022

**Revision
History**

Rev.	Author	Change Description
1	P. Jeffrey	Initial release