



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 may be used as guideposts, but are not conclusive.

- E. Installation services, maintenance services, repair services, training services, and other services if such services are procured for the support of an Item as defined above (or a combination of such Items if they are of a type customarily combined and sold to the general public), and if the source of such services offers the services to the general public and the U.S. Government contemporaneously under similar terms and conditions.
- F. Any combination of Items, as defined above, that are of a type customarily combined and sold in combination to the general public.
- G. 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 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 sources independent of the Supplier.

- H. Any Item or combination of Items referenced above, notwithstanding the fact that the Item or combination of Items is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.
- I. A non-developmental item, if the Item was developed exclusively at private expense and sold in substantial quantities, or a competitive basis, to multiple State and local governments.



4. For each Commerciality Assertion checked above, please provide a detailed explanation for the conclusion that the Item meets the commercial item test in FAR 2.101 as asserted by Supplier. In addition, please provide any supporting documentation supporting the explanation. Depending on the nature of the assertion, this documentation could include (but is not limited to) commercial pricelists, market price data, invoices, purchase orders, sales data, information concerning the dollar value, complexity and any type of modifications, task descriptions of work performed by and qualifications of service personnel, standard commercial terms and conditions, etc. Use additional pages and attachments as necessary to provide explanation and documentation.



Supplier hereby represents that the information presented is accurate, current and complete and that to the best of its knowledge and belief the Item covered by this Commerciality Assertion meets the “commercial item” definition in FAR 2.101.

Supplier acknowledges that if Buyer awards Supplier a subcontract, purchase order, or other agreement for the Item(s) described above, award shall be based on Buyer’s good faith reliance upon the assertions and information provided by Supplier herein. In the event Supplier has misrepresented any information contained herein, or presented inaccurate, noncurrent or incomplete information, Supplier acknowledges and agrees to indemnify Buyer for all damages, fines, penalties, reductions in contract values, and any other losses (including attorneys’ fees) incurred by Buyer as a result of a determination by the U.S. Government that the Item(s) identified herein are not commercial items.

Supplier: _____

Authorized Representative: _____

Signature of Authorized Representative: _____

Date: _____

Telephone: _____

Email: _____