



ASSERTION OF COMMERCIALITY

Ref: FAR 2.101; FAR Part 15.4; FAR 52.244-6 et al.

Offeror: Buyer requests that Offeror complete this form to support Offeror's assertion that the goods or services (the "Item(s)") to be provided qualify as "Commercial Items" under Federal Acquisition Regulation (FAR) Subpart 2.1. Seller's failure to provide the information requested may preclude Buyer from accepting Offeror's assertion of commerciality, thereby requiring Offeror to provide substantial additional information to adequately support Buyer's potential acquisition of Offeror's Items if they are being procured in support of a U.S. Government prime contract.

Part A: Offeror's Items

Offeror: Provide the Name and Description of the Items to be procured by Buyer. If there are additional Items, attach the name and description on a separate sheet.

Item Name 1: _____

Description 1: _____

Item Name 2: _____

Description 2: _____

Item Name 3: _____

Description 3: _____

Item Name 4: _____

Description 4: _____

Part B: Offeror's Assertion(s)

Offeror: Check all that apply. If the assertion(s) below do not apply to all of the Items described above, complete a separate CR-006 for each unique Item or unique group of Items.

- (1) [] The Item(s) is (are) of a type customarily used for nongovernmental purposes and:
(a) [] has (have) been sold, leased, or licensed to the public; or
(b) [] has (have) been offered for sale, lease, or license to the general public.
(2) [] The Item(s) has (have) evolved from an Item described in (1), above, through advances in technology or performance. Although the Item(s) is (are) not yet available in the commercial marketplace, it (they) will be available in the commercial marketplace in time to satisfy the delivery requirements under Buyer's solicitation.
(3) [] The Item(s) would satisfy the criterion expressed in (1) or (2), above, but for—
(a) [] Modification(s) of a type customarily available in the commercial marketplace; or
(b) [] Minor modification(s) of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. "Minor modification(s)" 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.
Note: Buyer may be required to obtain cost or pricing data from Seller for certain modified commercial items. See FAR 15.403-1(c)(3)(iii)(B) and (C).
(4) [] The Item(s) represent(s) a combination of Items meeting the requirements of (1), (2) or (3), above, that are of a type customarily combined and sold in combination to the general public.

- (5) If the Item(s) are services, said services are (i) installation services, or maintenance services, or repair services, or training services and other services; and (ii) such services are being procured in support of an Item or Items meeting the criteria of FAR Part 2.101 and the source of such services—
 - (a) Offers such services to the general public and the Federal Government and its contractors contemporaneously and under similar terms and conditions; **and**
 - (b) Offers to use the same workforce for providing the Federal Government with such services as the source uses for providing such services to the general public.
- (6) If the Item(s) are services, said services are 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.
- (7) Any Item(s), combination of Item(s), or services referred to in (1) through (6) above notwithstanding the fact that the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of the contractor.
- (8) The Item(s) is (are) 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.

Part C: Supporting Documentation

Offeror: In support of the Assertions made in Part B, Offeror shall provide the following information

- (1) If you checked the box by Part B (1) or (2), you may provide general sales information supporting your assertion that the Item(s) has (have) been offered for sale, lease or license or has been sold, leased or licensed or has evolved from an Item described in Part B (1), above, and will be available commercially in time to satisfy the Buyer's requirements. For example, this information can take the form of a narrative description of such offers or the information may include catalog or market prices, pricing standards, invoices, general sales volume, etc.

- (2) If you checked the box by Part B (3), provide a brief description of the modification to be performed and the information supporting the type of modification. Examples of supporting information may include estimated dollar value, size of the modification, comparative value, complexity, and affect of the modification. You must also provide either (i) evidence of the availability of the modification in the commercial marketplace; or (ii) the technical relationship between the modified item and the item that meets the description in Part A. For (ii), attach drawings or comparison of the characteristics of the commercial Item(s) and the modified Item(s), as appropriate.

- (3) If you have checked the box by Part B (4), (5), (6), (7) or (8), provide relevant supporting information to assist in making our determination.

(4) Please provide any other sources of data and information that could be used to support your assertion of commerciality:

D: Authorized Signature of Offeror

Acknowledgement of Offeror's Authorized Representative:

By submitting this Assertion of Commerciality, Offeror attests to the accuracy of the assertions and information contained herein. Offeror further acknowledges that if Buyer awards Offeror a Purchase Order for the Commercial Item(s) described above, such award shall be based on Buyer's good faith reliance upon the assertions and information provided by Offeror herein. In the event Offeror misrepresents any assertions or information contained herein, Offeror acknowledges and agrees to indemnify Buyer for all fines, penalties, and reductions in contract amounts incurred by Buyer as a result of a determination by the U.S. Government that the Item(s) identified herein are not commercial items. In the event of a challenge by the U.S. Government to the commerciality of any Item(s) identified herein, Buyer will provide Offeror with timely notice of said challenge to Offeror's assertion of commerciality.

Signature of Offeror's Authorized Representative

Offeror Firm/Company Name

Printed Name and Title of Offeror's Authorized Representative

Address: _____

Date: _____

Telephone: _____

Facsimile: _____