

- ASSERTION OF COMMERCIALITY -

RFI – M67854-11-I-1068

Reusable Lithium Ion Battery Box (LBB) Shipping Container

Vendor Is _____ Is Not _____ asserting commerciality.

Vendor, ***Insert Name and Cage Code*** asserted to the Government that the following items meet the definition provided in FAR 2.101 for a commercial item or service:

If more than one type of exception is included for multiple items or services, please indicate which item or service corresponds to each type of exception claimed:

Exception(s) –

Identify item(s):

Vendor asserts that the above items/services (please check any that apply):

A. _____ Are items that are not real property, are of a type customarily used by the general public, or by non-governmental entities for purposes other than governmental purposes, and (i) has been sold, leased or licensed to the general public; of (ii) has been offered for sale, lease or license to the general public.

- OR -

B. _____ Are items that have evolved through advances in technology or performance, from an item which fits the definition in paragraph A, are not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements of this purchase order; Identify original item, advances in technology and when item will be available within commercial marketplace.

Explain. _____

- OR -

C. _____ Are items that would satisfy a criterion expressed in paragraphs (A) or (B) above but for (check 1 or 2):

(1) _____ Modifications of a type customarily available in the commercial marketplace; identify modification and where available within commercial marketplace:

Explain. _____

- or -

- (2) _____ 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;

Identify modification(s) and why item still fits definition of "commercial item":

Explain. _____

- OR -

- D. _____ Are combinations of items meeting the requirements of this definition that are of a type customarily combined and sold in combination to the general public;

Explain. _____

- OR -

- E. _____ Are 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 paragraph (A), (B), (C), or (D) of this definition, 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 provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government;

Explain. _____

- OR -

- F. _____ Are 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 sources independent of the offerors.

Explain. _____

Vendor further agrees that Offeror has on file, and will make available to the Government, upon request, documentary support for the assertions set forth above that is adequate to support those assertions to the satisfaction of the Government, and evidence of prices at which the same or similar items or services have been sold to the commercial market. Vendor grants the Government the right to examine, at any time before award, books, records, documents or other directly pertinent records to verify any request for an exception under the FAR's commercial item/services provision, and the reasonableness of price. Access does not extend to cost or profit information or other data relevant solely to the vendor's determination of the prices to be offered in the catalog or marketplace. This information will be provided in a format that is mutually acceptable to Vendor and the Government.

Signature _____

Date _____

Printed Name _____

Title _____