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| RFP/Q: |  |
| Line Item: |  |
| Offeror: |  |

PART I:

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:

(check box(es) as appropriate)

(a) Any item, other than real property, that is of a type customarily used for non-governmental purposes and that

(1) Has been sold, leased, or licensed to the public; or,

(2) Has been offered for sale, lease, or license to the general public.

(b) Any item that evolved from an item described in paragraph (a) 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.

(c) Any item that would satisfy a criterion expressed in paragraph (a) or (b) hereof, but for --

(1) Modifications of a type customarily available in the commercial marketplace; 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 non-governmental 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.

(d) Any combination of items meeting the requirements of paragraphs (a), (b), (c), or (e) hereof that are of a type customarily combined and sold in combination to the general public.

(e) Installation services, maintenance services, repair services; if such services are procured for support of an item referred to in paragraphs (a), (b), (c), or (d) hereof, and if the source of such services --

(1) Offers such services to the general public and the Federal Government and its contractors contemporaneously and under similar terms and conditions; and

(2) Offers to use the same work force for providing the Federal Government with such services as the source uses for providing such services to the general public.

(f) 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.

(g) Any item, combination or items, or services referred to in paragraph (a) through (f), notwithstanding the fact that the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of the Offeror.

(h) 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 II:

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| (a) If you have checked the box by Paragraph (a) in Part I, please provide data regarding: | | | | | | | | | | | | | | | | | | | | | | | |
| (1) Sales: | | | | $ | | | | | | | | | | | | |
| (2) Leases: | | | | | $ | | | | | | | | | | | |
| (3) Licenses: | | | | | | | $ | | | | | | | | | |
| (4) Offers to Sell[[1]](#footnote-1): | | | | | | | | $ | | | | | | | | |
| (5) Offers to Lease[[2]](#footnote-2): | | | | | | | | | $ | | | | | | | |
| (6) Offers to License[[3]](#footnote-3): | | | | | | | | | | | | $ | | | | |
| to the general public in the time-frame beginning | | | | | | | | | | | | | | | | (MM/DD/YEAR) | |  | , and ending | | (MM/DD/YEAR). | |
|  |  |
| (b) If you have checked the box by Paragraph (b) in Part I, please provide data regarding: | | | | | | | | | | | | | | | | | | | |
| (1) Currently pending offers, including: | | | | | | | | | | | | | | |
| (i) Unit Price(s): | | | | | | | | | | | $ | | | | | |
| (ii) Total Units: | | | | | | | | | | | $ | | | | | |
| (2) Planned Offers Including: | | | | | | | | | | | | | | | | |
| (i) Unit Price(s): | | | | | | | | | | | $ | | | | | |
| (ii) Total Units: | | | | | | | | | | | $ | | | | | |
| In all instances scheduled for delivery no later than the delivery requirements under the RFP; and | | | | | | | | | | | | | | | | | | | | | | | |
| (3) Data in the format of Paragraph (a) of this Part II for completed sales of the item from which the “commercial item” evolved. | | | | | | | | | | | | | | | | | | | | | | | |
| (c) If you have checked the box by Paragraph (c) in Part I, please provide data regarding: | | | | | | | | | | | | | | | | | | | | | | | |
| (1) Size and value of unmodified item: | | | | | | | | | | | | |  | | | | | | | | |
| (2) Size and value of the modified item: | | | | | | | | | | | | | |  | | | | | | | |
| (3) Data in the format of Paragraph (a) of this part II for completed sales of the unmodified item. | | | | | | | | | | | | | | | | | | | | | | | |
| (d) If you have checked the box in Paragraph (d) in Part I, please attach hereto information as requested for Paragraphs (a), (b), (c), and (d) in the format of this Part II. | | | | | | | | | | | | | | | | | | | | | | | |
| (e) If you have checked the box by Paragraph (e) in Part I, please provide data regarding: | | | | | | | | | | | | | | | | | | | | | | | |
| (1) Open and completed contracts, including: | | | | | | | | | | | | | | | | | | | | | | | |
| (I) Prices: | | | | | | $ | | | | | | | | | | |
| (ii) Total Units: | | | | | | | | | |  | | | | | | |

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| (2) Pending offers, including: | | |
| (i) Prices: | $ | |
| (ii) Total Units: | |  |

for such services.

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| (f) If you have checked the box by Paragraph (f) in Part I, please provide data regarding: | | | | | | | | | | |
| (1) Open and completed contracts, including: | | | | | | | | | | |
| (i) Prices: | | $ | | | | | |
| (ii) Total Units: | | |  | | | | |
| (2) Pending offers, including: | | | | | | | |
| (i) Prices: | | $ | | | | | |
| (ii) Total Units: | | |  | | | | |
| for such services. | | | | | | | |
| (g) If you have checked the box by Paragraph (g) in Part I, please provide data regarding: | | | | | | | | | | |
| (1) Transfer price(s) of such goods and/or services: | | | | | | | $ | | | | |
| (2) Total units of such goods and /or services: | | | | |  | | | | | | |
| (h) If you have checked the box by Paragraph (h) in Part I, please provide data regarding: | | | | | | | | | | |
| (i) Prices: | | $ | | | | | |
| (ii) Total Units: | | |  | | | | |
| (iii) Total number of customers: | | | |  | | | | |
| involved in such sales. | | | | | |
|  | | | | | |
| Respectfully submitted: | | | | | |
| Supplier: |  | | | | | | | | |
| By: |  | | | | | | | | |
| Name: |  | | | | | | | | |
| Title: |  | | | | | | | | |
| Date: |  | | | | | | | | |

1. that have not materialized into sales [↑](#footnote-ref-1)
2. that have not materialized into leases [↑](#footnote-ref-2)
3. that have not materialized into licenses [↑](#footnote-ref-3)