**COMMERCIAL ITEM DETERMINATION CHECKLIST - PER FAR 2.101**

**SUPPLIES**

1. Is this item of a type customarily used by the general public or non-government entities for other than government purposes? Yes \_\_\_\_\_ No \_\_\_\_\_\_ If yes, describe the item and its intended purposes.
   1. Has this item been sold, leased or licensed to the general public? Yes \_\_\_\_ No \_\_\_ If yes, identify one or more such sale, lease or license to document the commerciality of the item. [***This is a commercial supply item. You may stop now and put your commercial item determination/ documentation in the file.***]
   2. If no, has this item been OFFERED for sale, lease or license to general public? Yes \_\_\_\_ No \_\_\_\_ If yes, identify one or more such offered sale/lease/license to document the commerciality of the item. [***This is a commercial supply item. You may stop now and put your commercial item determination/ documentation in the file.***]
2. If answer to item 1 is “NO”, has this item EVOLVED from such an item through advances in technology or performance that is not yet available in the commercial marketplace but WILL be available in the commercial marketplace in time to meet government requirements? Yes\_\_\_\_ No \_\_\_\_ If yes, describe the original item, how it has evolved and when it is anticipated to be available in the commercial marketplace. [***This is a commercial supply item. You may stop now and put your commercial item determination/ documentation in the file.***]
3. If answer to item 1 and 2 are “NO,” does it meet the criteria for item 1 or 2 except for modifications? Yes \_\_\_\_ No \_\_\_\_ If yes:
   1. Is the modification a type customarily available in the commercial marketplace? Yes \_\_\_\_ No \_\_\_\_ If yes, describe the commercial item and the type of modification and give examples of how it is available in the commercial marketplace. [***This is a commercial supply item. You may stop now and put your commercial item determination/ documentation in the file.***]
   2. If 3a is “NO”, is it a MINOR MODIFICATION, one that does not significantly alter the nongovernmental functions, change the essential physical characteristics or change the purpose of the process? Yes \_\_\_\_ No \_\_\_\_ If yes, describe the extent of the modification and how it complies with this criteria. One factor to consider is value/size of the modification in comparison to the value/size of the original (commercial) item. [***This is a commercial supply item. You may stop now and put your commercial item determination/ documentation in the file.***]
4. Is this any combination of items meeting the requirements of 1, 2 and 3 above that are of a type customarily combined and sold in combination to the general public? Yes \_\_\_\_ No \_\_\_\_ If yes, describe similar commercial instances.

[***If you meet criteria for 1, 2 or 3 and 4, this is a commercial supply item. You may stop now and put your commercial item determination/documentation in the file.]***

**SERVICES**

1. **Services in Support of a Commercial Item**: Is this for installation, maintenance, repair, training or other services of a commercial product? Yes \_\_\_\_ No \_\_\_\_
   1. If yes, are the services in support of commercial items defined as commercial in the Supplies Checklist (Section A) above? Yes \_\_\_\_ No \_\_\_\_ If yes, describe how the items were determined to be commercial and the services to be provided in support of the commercial item and continue.
   2. Does this company provide similar services contemporaneously to the general public under terms and conditions similar to those we are getting? Yes \_\_\_\_ No \_\_\_\_ If yes, give examples or describe how you verified this.

[***If 5a and 5b are BOTH yes, this service is a commercial item.******You may stop now and put your commercial services determination/documentation in the file*.]**

1. **Standalone Commercial Services**: If either 5a or 5b is “NO”, is this a service of a type offered and sold competitively in substantial quantities in the commercial marketplace BASED ON ESTABLISED CATALOG OR MARKET PRICES FOR SPECIFIC TASKS PERFORMED OR SPECIFIC OUTCOMES TO BE ACHIEVED using standard commercial terms and conditions? Yes \_\_\_\_ No \_\_\_\_ [***If no, this is not a commercial item and do not use FAR Part 12 procedures*.]**

If yes, describe the specific tasks/outcomes to be achieved and, in accordance with Paragraph a. or b. below, document how the service is sold and priced (e.g. catalog or market price) as well as how you confirmed the information. **[*This will constitute your commercial services determination for the file.*]**

* 1. **Catalog-Priced** **Services:** “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. Include relevant information gleaned from your market research to document your validation of the catalog price:
     1. Attach a copy of or identify the catalog and its date or the appropriate pages for the offered service tasks/outcomes. Include a description of the current discount policies and of the price lists (are they published or unpublished, available for inspection by customers, and do they state prices at which sales are currently or last made); and
     2. Explain the basis of each commercial service item price in the Government estimate and its relationship to the established catalog price, including how the commercial price relates to the price of recent sales in quantities similar to the proposed quantities sought by the Government.
  2. **Market-Priced Items**: “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. Include relevant information gleaned from your market research to document your validation of the market price:
     1. Provide the source and date or period of the market quotation or other basis for the commercial market price, the base amount, and applicable discounts that may be expected; and
     2. Describe the nature of the market. For example, will the instant procurement establish the market price through competition? If so, describe the extent of the competition expected.

**NOTE**: An item or combination of items from 1-6 above transferred between or among separate divisions of a contractor or non-developmental items sold in substantial quantities competitively to multiple state or local governments may also be considered commercial items.