Is that Commercial Item Exempt from the Certified Cost or Pricing Data Requirement per FAR 2.101?

1A Is the item other than real property and typically used by the general public or by non-governmental entities for purposes other than governmental purposes? OR

1B Has the item been sold, leased, or licensed to the general public or offered for sale, lease, or license to the general public?

2 Has the item evolved from an item described in bubbles 1a and 1b 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 Government solicitation?

3 Does the proposed item meet the criteria in Bubbles 1a and 1b or 2, but include modifications of a type customarily available in the commercial marketplace; or minor modifications “of a type” not customarily available in the commercial marketplace?

4 Is the proposed product a combination of items that meets the requirements of 1a, 1b, 2 or 3?

5 The item is developed exclusively at a private expense and sold in substantial quantities, on a competitive basis, to multiple State and local governments?

The item is a commercial item
Keep documentation per all previous applicable requirements

The item is a commercial item
Keep documentation from manufacturer regarding private development costs and sales to State and local governments

The item is a commercial item
Keep documentation from manufacturer on modifications including type and cost of modifications

The item is a commercial item
Keep documentation of item specifications and public sales

The item is a commercial item
The item is a commercial item
The item is a commercial item
The item is a commercial item
The item is NOT a commercial item
UNLESS...

NO

NO

NO

NO

NO

YES

YES

YES

YES

NO

NO

NO

NO

NO

The item is NOT a commercial item, UNLESS...

The item is NOT a commercial item, UNLESS...

The item is NOT a commercial item, UNLESS...

The item is NOT a commercial item, UNLESS...

The item is NOT a commercial item

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**Is that Commercial Service Exempt from the Certified Cost or Pricing Data Requirement per FAR 2.101?**

1. **Are the services installation, maintenance, repair, training, or other services which are:**
   - procured for support of an item determined to be commercial, regardless of whether such services are provided by the same source or at the same time; AND
   - 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.

   **NO**

2. **Services are of a type offered and sold competitively in substantial quantities in 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.**
   - Catalog Price means a price included in a catalog, pricelist, 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 in the general public.
   - 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 from offeror.

   **NO**

3. **Any combination of commercial items and services, transferred between separate divisions, subsidiaries or affiliates of a supplier/vendor/subcontractor.**

   **YES**

4. **The services are commercial**
   - Keep documentation regarding catalog pricing, and/or market pricing per definition.

   **YES**

5. **The services are NOT commercial**

   **NO**

6. **The services are NOT commercial, UNLESS…**

   **NO**

For more information or questions about this commerciality decision flowchart, please contact:

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