

Offeror: Buyer requests that Offeror complete this form to support Offeror's assertion that the goods (also known as products) or services to be provided qualify as either "Commercial Product(s)" or "Commercial Service(s)" under Federal Acquisition Regulation (FAR) Subpart 2.1. Offeror'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 Commercial Product(s) or Commercial Service(s) if they are being procured in support of a U.S. Government prime contract.

Part A. Offeror's Commercial Product(s) or Commercial Service(s)

Offeror: Provide the Name and Description of the Commercial Product(s) or Commercial Service(s) to be procured by Buyer. If there are additional Commercial Product(s) or Commercial Service(s), attach the name and description on a separate sheet.

Product Name 1: _____

Description 1: _____

Product Name 2: _____

Description 2: _____

Service Name 3: _____

Description 3: _____

Service Name 4: _____

Description 4: _____

Part B. I. Offeror's Assertion(s): Commercial Product(s)

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

- (1) The product(s) is (are) of a type customarily used by the general public or by nongovernmental entities for purposes other than governmental purposes **and:**
 - (a) has (have) been sold, leased, or licensed to the general public; **or**
 - (b) has (have) been offered for sale, lease, or license to the general public.

- (2) The product(s) has (have) evolved from a product(s) described in B.I.(1) above 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 Buyer's solicitation.

- (3) The product(s) would satisfy the criterion expressed in B.I.(1) or (2) above, except 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 a product or component or change the purpose of a process. The essential characteristics of a product are those characteristics that if removed or significantly altered would result in the product being unable to perform its core functionality. 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.

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 product(s) represent(s) a combination of product(s) meeting the requirements of B.I.(1), (2) or (3) above, that are of a type customarily combined and sold in combination to the general public.
- (5) The product(s), or combination of products, referred to in paragraphs B.I.(1) through (4) above, or combination of products, is (are) transferred between or among separate divisions, subsidiaries, or affiliates of Offeror.
- (6) The product(s) is (are) non-developmental item(s), as defined in FAR 2.101, which has (have) been developed exclusively at private expense and sold in substantial quantities, on a competitive basis, to multiple State and local Governments or to multiple foreign governments.
- (7) The product(s): (i) satisfy(ies) the definition of "Commercial Product" (see FAR 2.101); (ii) is (are) sold in substantial quantity(ies) in the commercial marketplace; **and** (iii) is (are) offered to Buyer without modification, in the same form in which it is sold in the commercial marketplace (i.e., the product(s) is (are) "commercially available off-the-shelf (COTS) item(s)").

Part B. II. Offeror's Assertion(s): Commercial Services

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

- (1) The service(s) are installation services, maintenance services, repair services, training services, or other services; **and** (i) such services are procured for support of a Commercial Product meeting the criteria of FAR Part 2.101 regardless of whether such services are provided by the same source or at the same time as the Commercial Product; **and** (ii) Offeror provides similar services contemporaneously to the general public under terms and conditions to those offered under Federal Government solicitations or contracts.
- (2) The service(s) 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 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 of 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 that can be substantiated through competition or from sources independent of the offerors.
- (3) The service(s) referred to in paragraphs B.II(1) or (2) above is (are) transferred between or among separate divisions, subsidiaries, or affiliates of Offeror.

Part C: Supporting Documentation

Offeror: Provide the following information in support of the Assertions made in Part B.

- (1) Please provide objective evidence, including general sales information supporting your assertion, that the product(s) and/or service(s) described above has (have) been offered for sale, lease or license or has (have) been sold, leased or licensed or has evolved from a product(s) described in Part B 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.I.(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 effect 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 product and the product that meets the description in Part A. For (ii), attach drawings or comparison of the characteristics of the Commercial Product(s) or Commercial Service(s) and the modified Commercial Product(s) or Commercial Service(s), as appropriate.

(3) Provide relevant supporting information and/or examples 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:

Part 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 an Order for the Commercial Product(s) or Commercial Service(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 product(s) or service(s) identified herein are not Commercial Product(s) or Commercial Service(s). In the event of a challenge by the U.S. Government to the commerciality of any product(s) or service(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: _____

Email Address: _____