**Supplier Assertion of Commerciality**

**RFP No.:** Click here to enter number

**Supplier Name:** Click here to enter name

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| **Part No. / Service** | **DESCRIPTION** |
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**It is the U.S. Government’s preference to procure commercial products, commercial services, or non-developmental items to the maximum extent practicable. When AM General may procure a product or service on a commercial basis, AM General must make a “Commerciality Determination” in advance of awarding a subcontract or purchase order. This determination will include logical rationale for the determination and supporting documentation. To support AM General’s commerciality determination (if any) for the products/services to be procured under the referenced RFP, you are requested to complete this form and provide the supporting information. Please check each box (FAR 2.101, Commercial Product or Commercial Service definition) that is applicable (if any) and provide the supporting documentation to facilitate AM General’s evaluation of whether the product/service meets the commercial product or commercial service definition.**

***Commercial Product:***

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| **FAR Definition 1**:  *Any product, other than real property, that is 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; or*  *(ii) Has been offered for sale, lease, or license to the general public.*  Please describe why the products to be procured by **AM General** meet this definition: |
| Click here to enter text. |
| Please provide evidence of actual sales (or offer for sale) of this product to the general public to support your assertion. This can take the form of a written description or may include catalog or market prices, invoices, general sales volume, pricing standards, etc.  Describe the supporting documentation you are providing with this assertion: |
| Click here to enter text. |

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| **FAR Definition 2:**  *Any product that evolved from a product described in paragraph (1) 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 Government solicitation.*  Please describe why the products to be procured by **AM General** meet this definition: |
| Click here to enter text. |
| Please provide evidence of actual sales (or offer for sale) of this product to the general public to support your assertion. This can take the form of a written description or may include catalog or market prices, invoices, general sales volume, pricing standards, etc. Also provide documentation to support the position the product will be available in time to satisfy the requirements.  Describe the supporting documentation you are providing with this assertion: |
| Click here to enter text. |

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| **FAR Definition 3:**  *Any product that would satisfy a criterion expressed in paragraph (1) or (2) of this definition, except for –*  *(i) Modifications of a type customarily available in the commercial marketplace; or*  *(ii) Minor modifications of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. Minor modifications mean 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;*  Please describe why the products to be procured by **AM General** meet this definition: |
| Click here to enter text. |
| Please provide evidence of the customary availability of the modification in the commercial marketplace or address in written narrative the factors identified in the minor modifications definition in FAR 2.101.  Describe the supporting documentation you are providing with this assertion: |
| Click here to enter text. |

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| **FAR Definition 4:**  *Any combination of products meeting the requirements of paragraphs (1), (2), or (3) of this definition that are of a type customarily combined and sold in combination to the general public;*  Please describe why the products to be procured by **AM General** meet this definition, including the definitions of associated with the combination of products described (and applicable) within this definition: |
| Click here to enter text. |
| Please provide evidence to support the definitions of each product within combination of products as described (and applicable) herein and evidence of the customary combination being sold to the general public.  Describe the supporting documentation you are providing with this assertion: |
| Click here to enter text. |

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| **FAR Definition 5:**  *Any product, or combination of products, referred to in paragraphs (1) through (4) of this definition,*  *even though the product, or combination of products, is transferred between or among*  *separate divisions, subsidiaries, or affiliates of a contractor;*  Please describe why the product(s) to be procured by **AM General** meet this definition: |
| Click here to enter text. |
| Please provide relevant supporting documentation/information as to how the product meets the applicable definition(s) within commercial product definition 5 of FAR 2.101.  Describe the supporting documentation you are providing with this assertion: |
| Click here to enter text. |

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| **FAR Definition 6:**  *A nondevelopmental item, if the procuring agency determines the product was 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.*  Please describe why the products to be procured by **AM General** meet this definition: |
| Click here to enter text. |
| Please provide relevant supporting documentation/information to evidence the product was developed exclusively at private expense and sold in substantial quantities to multiple state and local governments or to multiple foreign governments.  Describe the supporting documentation you are providing with this assertion: |
| Click here to enter text. |

**Commercial Service:**

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| **FAR Definition 1:**  *Installation services, maintenance services, repair services, training services, and other services if-*  *(i) Such services are procured for support of a commercial product as defined in FAR 2.101, regardless of whether such services are provided by the same source or at the same time as the commercial product; 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;*  Please describe why the services to be procured by **AM General** meet this definition: |
| Click here to enter text. |
| Please provide relevant supporting documentation/information as described herein based on the applicable definitions to evidence the underlying product(s) is commercial. Also, please provide documentation to support the performance of the services to the general public.  Describe the supporting documentation you are providing with this assertion: |
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| Click here to enter text. |

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| **FAR Definition 2:**  *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.*  Please describe why the services to be procured by **AM General** meet this definition: |
| Click here to enter text. |
| Please provide evidence of the catalog price as contemplated by this definition.  Describe the supporting documentation you are providing with this assertion: |
| Click here to enter text. |

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| **FAR Definition 3:**  *A service referred to in paragraphs (1) or (2) of this definition, even though service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.*  Please describe why the service(s) to be procured by **AM General** meet this definition: |
| Click here to enter text. |
| Please provide relevant supporting documentation/information as to how the service meets the applicable definition(s) within FAR 2.101.  Describe the supporting documentation you are providing with this assertion: |
| Click here to enter text. |

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| **Commercially Available Off-The-Shelf (COTS) Item:**  *Commercially available off-the-shelf (COTS) item—*  *(1) Means any item of supply (including construction material) that is—*  *(i) A commercial product (as defined in paragraph (1) of the definition of “commercial product” in this section);*  *(ii) Sold in substantial quantities in the commercial marketplace; and*  *(iii) Offered to the Government, under a contract or subcontract at any tier, without modification, in the same form in which it is sold in the commercial marketplace; and*  *(2) Does not include bulk cargo, as defined in 46 U.S.C. 40102(4), such as agricultural products and petroleum products.*  Please describe why the items to be procured by **AM General** meet this definition: |
| Click here to enter text. |
| Please provide relevant supporting documentation/information to evidence the item meets the COTS definition of FAR 2.101 in that it is a FAR 2.101 definition 1 commercial product, actually sold in substantial quantities in the commercial marketplace, and offered to the Government/**AM General** without modification and in the exact same form as sold in the commercial marketplace.  Describe the supporting documentation you are providing with this assertion: |
| Click here to enter text. |

By signing, you are, to the best of your knowledge, asserting your company’s belief that the product and/or service to be procured by **AM General** meets the FAR 2.101 Commercial Product or Commercial Service definition(s).

All supporting data and information referenced herein has been submitted to **AM General** with this Assertion.

Signature:

Name: Click here to enter name

Title: Click here to enter title

Date: Click here to enter date

Phone: Click here to enter number

Email: Click here to enter email