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| **SUPPLIER NAME:** | **SUPPLIER TYPE (check one):**  **Distributor  Manufacturer (OEM)  Service Provider** |
| **Supplier instructions:** To assert that the proposed product(s)/service(s) meet(s) the FAR 2.101 definition of a Commercial Product or Service summarized in the sections below, complete and sign this form and return it to the cognizant General Atomics Aeronautical Systems, Inc. (GA-ASI) Buyer/Subcontract Administrator.  Per DFARS 202.101, “general public” and “non-governmental entities”, as used in the FAR 2.101 Commercial Product or Commercial Service definition, do not include the Federal Government or a State, local, or foreign government except for Commercial Product (Type 6) which includes sales to multiple State, local or foreign governments.  For purposes of this form, “of a type” means “very similar to another commercial product or service”.  **Assertion Table** (if additional lines are needed, an attachment providing the same information in this table is used) | | |

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| **MANUFACTURER (MFR)**  *(if other than SUPPLIER above)* | **MFR PART NUMBER (PN)** | **GA-ASI PN** | **PRODUCT OR SERVICE DESCRIPTION** | **COMMERCIAL TYPE** (as defined below) |
|  |  |  |  | Click to Select Type |
|  |  |  |  | Click to Select Type |
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Supplier shall provide adequate evidence and supporting documentation in accordance with commercial type selected above specific to each product or service to determine commerciality. A refusal to provide the required documentation and/or information may result in a determination that the goods and/or services offered do not meet the requirements of a commercial product or service.

***NOTE:*** *documentation of sales or offerings to GA-ASI or any affiliates will not be accepted as valid evidence*

A product/service shall be defined as commercial only if it meets **ONE** or **MORE** of the Commercial Product or Commercial Service criteria in the sections below.

**COMMERCIAL PRODUCT TYPES (1P through 6P)**

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| **Commercially available off-the-shelf (COTS) item:** Any item of supply (including construction material) that is – (i) A commercial product (as defined in 1P below); (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. Does not include bulk cargo, as defined in 46 U.S.C. 40102(4), such as agricultural products and petroleum products.  If this section applies:  **Complete the table in 1P** below, AND:  **Specify evidence/attachments provided**, which demonstrates **substantial quantities** of the product(s) sold commercially, **and** that it is offered without modification, in the same form in which it is sold in the commercial marketplace.  Please list here. If this section applies, this field may not be left blank.  **Comments:** |

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| **1P. Commercial Product:** A product, other than real property, that is a type customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and –   1. Has been sold, leased, or licensed to the general public; **or** 2. Has been offered for sale, lease, or license to the general public.   If this section applies, complete the table below.  If the exact Manufacturer part no. has been sold or offered for sale as stated above, check “Exact Part” in the table below.  If the part itself has not been sold or offered for sale, but is “of a type” that has,   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | identify the “of a type” part no. and complete the last column. | | | | ***Complete these columns if the Supplier/Mfr. part is “of a type” that has been sold or offered for sale as stated above*** | | | **Proposed Part No.** | **GA-ASI Part No.** | **Exact Part?** | **Describe the non-governmental purpose and application of the exact OR “of a type” part** | **Identify the “of a type” Commercial Part No.** | **Describe the technical differences (form / fit / function) between the “of a type” and Proposed/GA-ASI Part,**  **and explain why they are considered to be “of a type”** | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  |   Documented evidence to support this assertion should have clear reference to the same (exact) part no. *or* the “of a type” part no. having been sold/offered.  - If SOLD (1)(i) sample evidence may include; non-governmental sales data, signed license agreements, invoices to a non-governmental entity, payment records.  - If OFFERED (1)(ii) sample evidence may include; purchase orders, catalogs, webstore links, publicized price lists with information on how to order, etc*.*  **Specify evidence/attachments provided:** Please list here. If this section applies, this field may not be left blank.  **Comments:** |

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| **2P. Products Evolved from a Commercial Product or Component:** The product(s) EVOLVED from a product described in Section 1P (above) through advances in technology or performance and that is not yet available in the commerical marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Government solicitation.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | If this section applies, complete the table below for each evolved part: | | | |  | **Anticipated Date the Proposed Part will be available commercially** | | **Comparative (original) Part No.** | **Explain how the Comparative Part is Commercial** | **Proposed (evolved) Part No.** | **GA-ASI PN** | **Describe the technical differences between the Comparative and Proposed Parts** | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  |   **Specify evidence/attachments provided:** Please list here. If this section applies, this field may not be left blank.  **Comments:** |

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| **3P. Modified Commercial Product(s) or Component(s):** A product that would satisfy a criterion expressed in Section 1P or 2P (above), but for:   1. Modifications of a type customarily **available** in the commercial marketplace; **or** 2. **Minor modifications** of a type not customarliy available in the commercial marketplace made to meet Federal Government requirements that do not significantly alter the nongovernmental function or essential physical characteristic of a product 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.   **If either 3P(i) or 3P(ii) applies, complete the table below**:   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | **Criteria**  **3P(i)** or **3P(ii)** | **Comparative (unmodified) Part No.** | **Explain how the Comparative Part is Commercial** | **Proposed (modified)**  **Part No.** | **GA-ASI Part No.** | **Describe the modifications made to the Comparative Part** | | Select. |  |  |  |  |  | | Select. |  |  |  |  |  | | Select. |  |  |  |  |  | | Select. |  |  |  |  |  | | Select. |  |  |  |  |  |   For each part asserted to be commercial based on 3P(i) or 3P(ii), complete the corresponding table below, and provide evidence:   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | **3(i)** **Commercially available modifications** |  | **3(ii)** M**inor modifications, to satisfy Federal Government requirements** | | | | | **Examples of how and where modifications “of a type” are available commercially** |  | **Describe the technical differences between the Comparative and Proposed Parts** | **What is the price of the Comparative Part** | **What is the cost of the modifications** | **What is the price of the Proposed Part** | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  |   Documented evidence for 3.i must show that the modification is “of a type” available commercially (e.g. sales history for non-governmental customers with the same or very similar modifications, same modifications offered to the general public as selectable options, price lists showing the same/similar modifications, etc.).  Documented evidence for 3.ii must support the fact that the commercial form, fit and function of the product was not substantially altered by the modification (such as drawings or comparison of the characteristics of the commercial product and the modified product).  **Specify evidence/attachments provided:** Please list here. If this section applies, this field may not be left blank.  **Comments / factors that support the conclusion that the modifications are minor in nature:** |

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| **4P. Combination of Products:** Any combination of products meeting the requirements of Section 1P, 2P, or 3P above that are of a type customarily combined and sold in combination to the general public.  If this section applies, provide the following:   * List of the products to be combined, and the relevant Commercial Product criteria (Section 1P, 2P, or 3P) that each product satisfies * Explanation and evidence as required by, and within the corresponding section for each of the products * Evidence of similar commercial instances of the customary combination being sold to the general public.   **Specify evidence/attachments provided:** Please list here. If this section applies, this field may not be left blank.  **Comments:** |

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| **5P. Intracompany transfer of Commercial Product(s):** A product, or combination of products, referred to in Sections 1P through 4P above, even though the product, combination of products, is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor/subcontractor.  If this section applies:   * Explain how the product would meet the requirements of the applicable section(s) above as required by that section, and * Complete the corresponding section.   **Specify evidence/attachments provided:** Please list here. If this section applies, this field may not be left blank.  **Comments:** |

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| **6P. Non-developmental Commercial Product:** Product which has 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.  If this section appplies**,** provide evidence that it was   * Developed exclusively at private expense, AND * Sold competitively in substantial quantities to multiple State and local governments or to multiple foreign governments.   **Specify evidence/attachments provided:** Please list here. If this section applies, this field may not be left blank.  **Comments:** |

**COMMERCIAL SERVICE TYPES (1S through 3S)**

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| **1S. Service(s) in Support of a Commercial Product: Installation services, maintenance services, repair services, training services and other services if:**   1. Such services are procured for support of Commercial Product as defined in Sections 1P - 4P above, regardless of whether such services are provided by the same source or at the same time as the Commercial Product **and** 2. The source of such services provides similar services contemporaneously to the general public under terms and condition similar to those offered to the Federal Government.   If BOTH1S(i) and 1S(ii) apply**,** provide the following:   * List of the supported Commercial Products, and the relevant Commercial Product criteria (Section 1P ,2P ,3P or 4P) that each product satisfies * Explanation and evidence as required in the corresponding section for each of the products * Explain how the services are provided to the general public and, and how those services compare to the services being offered * Identify non-governmental customers for whom the same or similar services have been provided   **Specify evidence/attachments provided:** Please list here. If this section applies, this field may not be left blank.  **Comments:** |

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| **2S. Standalone Commercial Services:** Services of a type offered and sold competitively in substantial quantites 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 -**  “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;  “Market price” 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.  If this section applies**,** provide the following:   * Description of the specific tasks/outcomes to be achieved * Description and evidence of how the service is sold in substantial quantities and priced based on Catalog or Market price (as defined above), and under commercial terms and conditions (evidence may include invoices to commercial customers, commercial price lists, web offerings, long terms agreements, catalogs, copies of terms, etc.) * Evidence showing the price in a catalog, price list, schedule, or other form * Explanation how the catalog/price list is regularly maintained and identify where it is published or otherwise available for inspection by customers   **Specify evidence/attachments provided:** Please list here. If this section applies, this field may not be left blank.  **Comments:** |

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| **3S. Intracompany transfer of Commercial Services:** Any service, or combination of services, referred to in Section 1S or 2S above, even though the service, or combination of services, is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor/subcontractor.  If this section applies:   * Explain how the service would meet the requirements of the applicable section(s) above as required by that section   **Specify evidence/attachments provided:** Please list here. If this section applies, this field may not be left blank.  **Comments:** |

**For any redacted Sales History or Invoices, Supplier certifies that they represent evidence of commercial sales as per the applicable FAR Part 2.101 Commercial Product or Commercial Service definition(s) and represent sales for non-Governmental end use, and to entities other than GA-ASI and other Government contractors** *(except for Non-developmental Product, type 6P)***.** Supplier may be requested to provide full un-redacted information directly to our customer’s contracting officer to evidence sales were to non-governmental end users.

**If any of the products(s) or service(s) included above have previously been determined to be commercial by the U.S. Government, please provide evidence.**

Supplier has reviewed the FAR 2.101 definitions of Commercial Product or Commercial Service and hereby asserts that the product(s) or service(s) listed above meet the current “Commercial Product or Commercial Service” definition(s) at FAR 2.101. The Representative’s signature below affirms Supplier’s commitment to meet all requirements of this assertion.

***Signature block must be completed by Supplier’s authorized representative, responsible for determining Commerciality.***

***\* Verifiable electronic signature or physical signature required.***

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| NAME of AUTHORIZED PERSON | TITLE | SIGNATURE \* |
| PHONE | EMAIL | DATE |