

## Commercial Item Supplier Representation & GDLS Determination

Supplier Instructions: Complete sections A, B, C, D, & E.

**A. Supplier shall complete the sections below to support Supplier's assertion of commerciality.**  
*(text box will expand based on information typed in box)*

Supplier Name	
Part Number / Description	
Description of the Asserted Commercial Item	

**B. Prior Commerciality Determination**

Has the item previously been determined to be commercial by a U.S. Government agency or another contractor in support of a U.S. Government contract? (*) If yes, please provide a copy of the commercial item determination(s), describe the circumstances (including date, customer making the determination, and agency funding the procurement), and attach all documents supporting the determination	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>
<i>Attach all supporting documents regarding Prior Commerciality Determination:</i>				

**C. Present Assertion of Commerciality**

*Check the blank for each option asserted. Supplier must complete this section even if Supplier has provided information above concerning a prior commerciality determination. Attach supporting information in Section D.*

Option Selected	Option Asserted	Description of Option
<input type="checkbox"/>	Option 1: Asserted Commercial Item is of a Type Customarily Available to the General Public	The asserted commercial item is not real property and is of a type customarily used by the general public or by nongovernmental 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.
<input type="checkbox"/>	Option 1A: Commercially Available Off-the-Shelf ("COTS") Item	The asserted commercial item satisfies the requirements for a commercial item under Option 1, above, and is also— (i) Sold in substantial quantities in the commercial marketplace; and (ii) 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. (*)Commercially available off-the-shelf (COTS) item—" <div style="margin-left: 20px;">             (1) Means any item of supply (including construction material) that is—              (i) A commercial item (as defined in paragraph (1) of the definition 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           </div>

Option Selected	Option Asserted	Description of Option
<input type="checkbox"/>	Option 2: Asserted Commercial Item Evolved from a Commercial Item	The asserted commercial item evolved from an item described in Option 1 (above) through advances in technology or performance and 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 U.S. Government contract
<input type="checkbox"/>	Option 3: Asserted Commercial Item is a Modified Version of Commercial Items	The asserted commercial item would satisfy the requirements of either Option 1 or Option 2, but 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 means 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
<input type="checkbox"/>	Option 4: Of type customarily combined and sold in combination to the general public	Any combination of items meeting the requirements of Options (1), (2), (3), or (5) of this definition that are of a type customarily combined and sold in combination to the general public;
<input type="checkbox"/>	Option 5: Support Services for an Item (Commercial Product)	The asserted commercial item constitutes Installation services, maintenance services, repair services, training services, and other services if- Such services are procured for support of an item referred to in paragraph (1), (2), (3), or (4) of this definition, regardless of whether such services are provided by the same source or at the same time as the item; and (i) 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;
<input type="checkbox"/>	Option 6: Other Commercial Services "Service of a Type"	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.



## E. Supplier Representation and Certification

The information provided in and attached to this response is current and accurate under the requirements of FAR 2.101. Supplier acknowledges that General Dynamics Land Systems, Inc. ("GDLS") will rely on Supplier's data and certification in GDLS's submissions to the U.S. Government and that, as a result, civil and criminal penalties may result from any false or fraudulent certification. Supplier agrees to indemnify and hold harmless GDLS for any and all claims, damages, and liabilities that may arise from or relate to the Supplier's assertion and certification of commerciality. Supplier may be required to renew its assertion of commerciality in connection with future purchase contracts/modifications or in GDLS's reasonable discretion. All assertions of commerciality are subject to GDLS review and acceptance.

Completed By


Date

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Title

Signature

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### THIS PORTION OF FORM IS TO BE COMPLETED ONLY BY GDLS

Purchase Order Number:		Date	
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Check as applicable	GDLS Evaluation of Commerciality
<input type="checkbox"/>	<ul style="list-style-type: none"><li>Agree that the information provided has been reviewed by and determined to be commercial in accordance with FAR 2.101</li></ul>
<input type="checkbox"/>	<ul style="list-style-type: none"><li>Disagree that supplier's product/service meets the FAR 2.101 definition of a commercial item because</li></ul>
	<ul style="list-style-type: none"><li>Input reason(s) for disagreeing with Supplier's representation:</li></ul>

### GDLS Commercial Item Determination made by:

Completed By

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Date

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SCM Supervisor

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Date

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