

Supplier's Assertion of Commerciality

| | |
|-----------------------|---|
| SUPPLIER NAME: | CHECK ONE: <input type="checkbox"/> Distributor <input type="checkbox"/> Manufacturer (OEM) |
|-----------------------|---|

Supplier instructions: To assert that the proposed item(s)/service(s) meet(s) the FAR 2.101 definition of a Commercial Item 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 Item definition, do not include the Federal Government or a State, local, or foreign government.

For purposes of this form, "of a type" means "very similar to another commercial item".

Assertion Table (if additional lines are needed, an attachment providing the same information in this table may be used)

| MANUFACTURER (MFR) | MFR PART NUMBER (No.) | GA-ASI PART No. | PART DESCRIPTION | COMMERCIAL TYPE (as defined below) |
|--------------------|-----------------------|-----------------|------------------|------------------------------------|
| | | | | Click to Select Type |
| | | | | Click to Select Type |
| | | | | Click to Select Type |
| | | | | Click to Select Type |
| | | | | Click to Select Type |

Supplier shall provide adequate evidence and supporting documentation in accordance with commercial type selected above specific to each item 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 item.

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

An item/service shall be defined as commercial only if it meets **ONE** or **MORE** of the commercial item criteria, in Sections 1-8 below.

Supplier's Assertion of Commerciality

- 1. Unmodified Commercial Items or Components.** Any item, 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 –
- 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 or other non-governmental entities.

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 Mfr. part no. 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 <u>exact</u> OR " <u>of a type</u> " 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" |
|-------------------|-----------------|--------------------------|--|--|--|
| | | <input type="checkbox"/> | | | |
| | | <input type="checkbox"/> | | | |
| | | <input type="checkbox"/> | | | |
| | | <input type="checkbox"/> | | | |
| | | <input type="checkbox"/> | | | |

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; quotes, purchase orders, catalogs, webstore links, publicized price lists with information on how to order, etc.

COTS: If Supplier claims COTS for any item in the Assertion Table on page 1, this Section 1 must be completed for that part. COTS items must satisfy the FAR 2.101 "Commercially available off-the-shelf (COTS) item" definition: that in addition to satisfying 1.i or 1.ii, the item is sold in substantial quantities in the commercial marketplace, **and** is offered without modification, in the same form in which it is sold in the commercial marketplace. Supplier **must also** provide evidence of **substantial quantities** sold commercially.

Specify evidence/attachments provided: Please list here. If Section 1 has been filled in, this may not be left blank.

Comments: _____

- 2. Item(s) Evolved from a Commercial Item or Component.** The item(s) EVOLVED from an item described in Section 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 a Government solicitation.

If this section applies, complete the table below for each evolved part:

| Baseline (original) Part No. | Explain how the Baseline Part is Commercial | Proposed (evolved) Part No. | GA-ASI PN | Describe the technical differences between the Baseline and Proposed Parts | Anticipated Date the Proposed Part will be available commercially |
|------------------------------|---|-----------------------------|-----------|--|---|
| | | | | | |
| | | | | | |
| | | | | | |

Specify evidence/attachments provided: Please list here. If Section 2 has been filled in, this may not be left blank.

Comments: _____

Supplier's Assertion of Commerciality

3. Modified Commercial Item(s) or Component(s). The item would satisfy a criterion expressed in Section 1 or 2 (above), 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 that do not significantly alter the nongovernmental function or essential physical characteristic of an item or component, or change the purpose of a process.

If either 3.i or 3.ii applies, complete the table below:

| Criteria 3.i or 3.ii | Baseline (unmodified) Part No. | Explain how the Baseline Part is Commercial | Proposed (modified) Part No. | GA-ASI PN | Describe the modifications made to the Baseline Part |
|----------------------|--------------------------------|---|------------------------------|-----------|--|
| Select. | | | | | |
| Select. | | | | | |
| Select. | | | | | |
| Select. | | | | | |
| Select. | | | | | |

For each part asserted to be commercial based on 3.i or 3.ii, complete the corresponding table below, and provide evidence:

| 3.i Commercially available modifications | 3.ii Minor modifications, to satisfy Federal Government requirements | | | |
|--|--|--|---------------------------------------|--|
| Examples of how and where modifications "of a type" are available commercially | Describe the technical differences between the Baseline and Proposed Parts | What is the price of the Baseline 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. invoices to 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 item was not substantially altered by the modification (such as drawings or comparison of the characteristics of the commercial item and the modified item).

Specify evidence/attachments provided: Please list here. If Section 3 has been filled in, this may not be left blank.

Comments / factors that support the conclusion that the modifications are minor in nature: _____

4. Combination of Items/Services. Any combination of items meeting the requirements of Section 1, 2, 3 and/or 5 herein 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 items to be combined, and the relevant commercial item criteria (Section 1,2,3 and/or 5) that each item satisfies
- Explanation and evidence as required in the corresponding section for each of the items
- Evidence of similar commercial instances of the customary combination being sold to the general public.

Specify evidence/attachments provided: Please list here. If Section 4 has been filled in, this may not be left blank.

Comments: _____

Supplier's Assertion of Commerciality

5. Service in Support of a Commercial Item. Installation services, maintenance services, repair services, training services and other services if:

- i. Such services are procured for support of an item that meets the requirements in Section 1, 2, 3, or 4 herein, regardless of whether such services are provided by the same source or at the same time as the item **and**
- ii. 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 BOTH 5.i and 5.ii apply, provide the following:

- List of the supported commercial items, and the relevant commercial item criteria (Section 1,2,3 or 4) that each item satisfies
- Explanation and evidence as required in the corresponding section for each of the items
- 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 Section 5 has been filled in, this may not be left blank.

Comments: _____

6. Standalone Commercial Services. 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.

“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 price that is 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 Section 6 has been filled in, this may not be left blank.

Comments: _____

Supplier's Assertion of Commerciality

7. Intracompany transfers. Any item, combination of items, or service referred to in Sections 1- through 6 herein, notwithstanding the fact that the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.

If YES, annotate how the item would meet the requirements of applicable sections herein as required by that section.

Specify evidence/attachments provided: Please list here. If Section 7 has been filled in, this may not be left blank.

Comments: _____

8. A Non-developmental item, which has been developed exclusively at private expense and sold in substantial quantities, on a competitive basis, to multiple State and local governments.

If YES, annotate evidence that it was

- developed exclusively at private expense, and
- sold competitively in substantial quantities to multiple State and local governments.

Specify evidence/attachments provided: Please list here. If Section 8 has been filled in, this may not be left blank.

Comments: _____

For any redacted Sales Reports/Invoices, 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 item(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 definition of commercial item and hereby asserts that the item(s) or service(s) listed above meet the current "Commercial item" definition 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.**

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