

# TEXTRON Systems

## CERTIFICATE OF CATALOG OR MARKET PRICING

**TO:** Prospective Supplier  
**FROM:** Textron Marine & Land Systems  
**SUBJECT:** Supplier's Certification

### DEFINITIONS ON THIS CERTIFICATE MEET SUBPART ARE CONSISTENT WITH SECTION 2.101 OF THE FEDERAL ACQUISITION REGULATION (FAR).

If the item in your proposal meets the definition of "Commercial Item" below, please indicate the applicable FAR subpart and section element(s) that apply.

"Commercial item" means-

**2.101 (1)** Any item, 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;

**2.101 (2)** Any item that evolved from an item 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;

**2.101 (3)** Any item that would satisfy a criterion expressed in paragraphs (1) or (2) of this definition, 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;

**2.101 (4)** Any combination of items meeting the requirements of paragraphs (1), (2), (3), or (5) of this definition that are of a type customarily combined and sold in combination to the general public;

**2.101 (5)** Installation services, maintenance services, repair services, training services, and other services if-

**(i)** 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

**(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;

**2.101 (6)** 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 under standard commercial terms and conditions. This does not include services that are sold based on hourly rates without an established catalog or market price for a specific service performed. For purposes of these services-

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(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.

**2.101 (7)** Any item, combination of items, or service referred to in paragraphs (1) through (6) of this definition, notwithstanding the fact that the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor; or

**2.101 (8)** A nondevelopmental item, if the procuring agency determines the item was developed exclusively at private expense and sold in substantial quantities, on a competitive basis, to multiple State and local governments.

In addition, if the category checked above for this Commercial Item is "based on" a catalog or market price, please identify the applicable catalog or market price and describe the difference between the standard catalog item(s) or standard market item(s), and the item in your proposal, and provide a price analysis substantiating the difference in the established price and the price in your proposal.

**THE SUPPLIER CERTIFIES THAT THE ABOVE REPRESENTATIONS MEET THE FEDERAL ACQUISITION REGULATION (FAR) 2.101 DEFINITION STATED ON THIS CERTIFICATION AND ARE CURRENT, ACCURATE AND COMPLETE AS OF THE DATE THIS CERTIFICATE IS EXECUTED.**

Procurement Action Reference \_\_\_\_\_ Company: \_\_\_\_\_  
 (RFQ No. \_\_\_\_\_ ) By: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

*MARK JACOBUS  
 TECHNOLOGY DYNAMICS INC.*

*PLEASE ADVISE YOUR THOUGHTS  
 ON THE INDICATION OF  
 COMMERCIALITY*

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## Commercial Item Determination Checklist

**Supplier:**

**Part Number:**

**Nomenclature:**

This document is used to help determine whether an item qualifies as a commercial item under the definition of FAR 2.101. This document identifies the various ways in which an item can qualify as a commercial item, provides guidance for Purchasing Agents (PA's), identifies information relevant to the PA determination, and provides for summarization in support of, or disqualification of, identification of the item as a commercial item.

Grounds for which the supplier is asserting the item to be commercial:

1. An item that is of a type customarily used by the general public or by nongovernmental entities for purposes other than government purposes and that has been sold, leased, or licensed to the general public or that has been offered for sale, lease, or license to the general public?

Yes     No

A. If Yes, explain the basis for this assertion and provide sufficient documentation / substantiation.

Then *proceed* to question 4: INTERNAL MODULES ARE SIMILAR TO STANDARD PRODUCT OFFERINGS FOUND ON OUR WEB SITE WITH MODIFICATIONS TO MEET THE EXISTING SPECIFICATION

B. If No, proceed

2. An item that has evolved from an item described in "1" above through advances in technology or performance and that is not yet available in the commercial marketplace but will be available in time to satisfy the U.S. Government's delivery requirements?

Yes     No

A. If Yes, explain the basis for this assertion and provide sufficient documentation / substantiation.

Then *proceed* to question 4.

B. If No, proceed

3. An item that would meet 1 or 2 above but requires modifications of a type customarily available in the commercial marketplace or minor modifications of a type not customarily available in the commercial marketplace, made to meet U.S. Government requirements?

Yes     No

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A. If Yes, explain the basis for this assertion and provide sufficient documentation / substantiation. Clarify how the modifications are deemed "minor." Attach drawings or comparison of the characteristics of the Commercial Item and the modified item as appropriate. Then *proceed* to question 4.

B. If No, proceed

## 4. Evidence of Commercial Item Determination:

A. What commercial customers has the supplier sold identical or similar items?

RAYTHEON, COMTECH, L3 HARRIS

B. What documentation does the supplier have as evidence of commercial sale or commercial offer for sale?

WEB SITE PRODUCTS [www.theallpower.com](http://www.theallpower.com)

C. Does the supplier have a commercial price list, and if so, is it publicly available and can they provide a copy as evidence?

NO

D. Was the item developed at private expense?

E. If this is a modification to an existing item, is it a minor modification in accordance with the definition of Commercial Item within FAR 2.101? Explain how the item is different from an existing Commercial Item

## 5. Evidence of Price Reasonableness:

A. Have they sold this particular item / part in significant quantity? If so, to what customers?

NO

B. How does the proposed price compare to recent sales? Provide sales prices and quantities for this particular item/part for the past 3 years.

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C. If the component is classified as “similar to another item,” explain the similarities and the relative magnitude of the cost and complexity of the differences

Based upon the information provided and discussions regarding the items presented, the parts listed above as “Commercial Items” meet the definition in FAR Part 2.101 on the basis that they are of a type of items customarily available in the commercial marketplace, modified of a type customarily available in the commercial marketplace, or minor modifications of a type not customarily available in the commercial marketplace.

Supplier Rep: \_\_\_\_\_  
Textron Compliance: \_\_\_\_\_  
Textron Buyer/SCA: \_\_\_\_\_  
Textron Purchasing Mgr: \_\_\_\_\_  
Date: \_\_\_\_\_

MARK JACOBUS  
TEANALEY DYNAMIX INC.