



Enter Company Name Below: _____

**Commercial Products and Commercial Services Offeror Certification Form (PR-TMP-50) (Rev 0.0)
Effective 4/1/2024**

Offeror Name:	
Solicitation/Prime Contract No:	
Description of items/services to be provided:	
<p>In accordance with 10 U.S.C. 3457, supplies and services provided by a nontraditional defense contractor may be treated as commercial products or commercial services. This commerciality certification is <u>only</u> applicable when contracting under a Department of Defense Prime contract. The offeror certifies the following regarding their status as a nontraditional defense contractor:</p>	
<input type="checkbox"/> (For DoD subcontracts only) The Offeror is not currently performing and has not performed any contract or subcontract for DoD that is subject to full coverage under the cost accounting standards prescribed pursuant to 41 U.S.C. 1502 and the regulations implementing such section, for at least the 1-year period preceding the solicitation of sources by DoD for the procurement.	
<p>In accordance with the definition included in FAR 2.101 for Commercial Products, the Offeror certifies to the following regarding the proposed product(s):</p>	
<input type="checkbox"/> The products are NOT commercial products.	
<input type="checkbox"/> The products are commercial products based on (include all that apply):	
<input type="checkbox"/> 1.) A 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-- <ul style="list-style-type: none"> 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"/> 2.) A 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	
<input type="checkbox"/> 3.) A product that would satisfy a criterion in (1) or (2) of this definition, except for; <ul style="list-style-type: none"> (i) Modifications of a type customarily available in the commercial marketplace; (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"/> 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;	
<input type="checkbox"/> 5.) A 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; or	
<input type="checkbox"/> 6.) A non-developmental 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.	
<p>In accordance with the definition included in FAR 2.101 for Commercial Services , the Offeror certifies to the following regarding the proposed services:</p>	
<input type="checkbox"/> The services are NOT commercial services.	
<input type="checkbox"/> The services are commercial services based on (include all that apply):	

- 1.) Installation services, maintenance services, repair services, training services, and other services if--
 - (i) Such services are procured for support of commercial product as defined in this section, 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;
- 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. or
- 3.) A service referred to in paragraph (1) or (2) of this definition, even though the service transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.

If claiming commerciality for products or services state the basis and or provide supporting documentation:

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The Offeror shall provide immediate written notice to ASRC Federal if, at any time, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. This certification concerns a matter within the jurisdiction of an agency of the United States. The making of a false, fictitious or fraudulent certification may render the maker subject to prosecution under 18 U.S.C. § 1001. By signing below, I represent that I am a company official with authority to complete this form, and certify that the information submitted herein is current, accurate and complete.

Signature	Printed Name and Title of Person Authorized to Bind Offeror	Date