

MARKET RESEARCH CHECKLIST

1. Description: _____
NAICS Code: _____
Quantity: _____
Estimated Value: _____
Project/Facility: _____

2. Check one item in the applicable category (commercial items, nondevelopmental items, or commercial services) that pertains most to the services or supplies being acquired.

A SERVICE OR SUPPLY THAT MEETS THE CRITERIA IN ANY OF THE CATEGORIES LISTED BELOW, AS DEFINED IN FAR 2.101, SHALL BE ACQUIRED USING COMMERCIAL ITEM PROCEDURES IN ACCORDANCE WITH FAR PART 12. NOTE THAT ONLY FIXED-PRICE CONTRACTS MAY BE AWARDED FOR THE ACQUISITION OF COMMERCIAL ITEMS (INCLUDING SERVICES). (SEE FAR 12.207.)

Commercial Items

- ___ 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: (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; or

- ___ An item that evolved from an item described 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; or

- ___ An item that would satisfy the criteria expressed above, but for (1) modifications of a type customarily available in the commercial marketplace; or (2) minor modifications of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. (A minor modification does not significantly alter the nongovernmental function or essential physical characteristics of the item.)

Nondevelopmental Items

- ___ A nondevelopmental item is defined as any previously developed item of supply used exclusively for governmental purposes, by a Federal agency, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement. A nondevelopmental item is considered a commercial item if it was developed exclusively at private expense and sold in substantial quantities, on a competitive basis, to multiple State and local governments; or
- ___ Any item described in the paragraph above that requires only minor modifications of a type customarily available in the commercial marketplace in order to meet the requirements of Reclamation; or
- ___ Any item of supply being produced that does not meet the requirements above solely because the item is not yet in use.

Commercial Services

- ___ Installation services, maintenance services, repair services, training services, and other services if such services are procured for support of a commercial item, regardless of whether such services are provided by the same source or at the same time as the item; and 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; or
- ___ 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 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 example, let's say you are acquiring legal services for researching case history on certain Comptroller General decisions. Since the price for this service would be customized for your specific needs on the basis of a combination of hourly rates and anticipated hours, and no catalog or marketprice exists for this particular research task, then this would not be considered

“commercial services” as defined at FAR 2.101. On the other hand, if you are acquiring legal services for the preparation of a will, and the pricing is based on a fixed market or catalog price for “will preparation,” then this service would be considered a “commercial service” and you must follow commercial item procedures.)

If services or supplies to be acquired do not meet the criteria in any of the 3 major categories described above, explain why. (Use additional sheets if necessary.)

If services or supplies are not commercially available, can the need be restated to permit acquisition of commercial services/supplies which satisfy the requirement?

Yes No

If no, explain. (Use additional sheets if necessary.)

3. Supporting documentation for the above criteria and information is attached. (Check the appropriate item(s) and include the necessary backup information.)

Vendor/Association Contacts (List contacts made, including name, title, and telephone number.)

Market Research for Similar Items (List items and provide copy of prior market research.)

Commercial Catalog/Price List (Attach applicable pages and front page with date.)

Industry Publications (Attach applicable pages.)

Periodicals (Attach applicable pages.)

Trade journals (Attach applicable pages.)

World Wide Web

Federal Supply Schedules

Other _____

4. If the item is found to be a commercial-type service/supply, list any customary commercial terms, conditions, and practices discovered during market research and what they entail: (If service/supply is noncommercial, skip to Section 5.)

Special warranties

Maintenance

Buyer financing/progress payments

Packaging/marketing

Delivery lead times

Other (explain below)

5. Market research has been conducted for this proposed procurement. The attached market research data includes sufficient rationale indicating that this supply or service is (*circle one of the three*): commercial – nondevelopmental – noncommercial in accordance with the definition stated at FAR 2.101.

Prepared by:

Name: _____

Reviewed by:

Contracting Officer: _____

Signature

Date: _____

Signature

Date: _____