

DFARS Procedures, Guidance, and Information

PGI 212—Acquisition of Commercial Items

(Revised September 7, 2016)

PGI 212.1—ACQUISITION OF COMMERCIAL ITEMS—GENERAL

PGI 212.102 Applicability.

(a)(i) Contracting officers shall ensure that contract files fully and adequately document the market research and rationale supporting a conclusion that the commercial item definition in FAR 2.101 has been satisfied. Particular care must be taken to document determinations involving “modifications of a type customarily available in the marketplace,” and items only “offered for sale, lease, or license to the general public,” but not yet actually sold, leased, or licensed. In these situations, the documentation must clearly detail the particulars of the modifications and sales offers. When such items lack sufficient market pricing histories, additional diligence must be given to determinations that prices are fair and reasonable as required by FAR Subpart 15.4.

(ii) See Director, Defense Procurement and Acquisition Policy (DPAP), policy memorandum of September 2, 2016, entitled “[Guidance on Commercial Item Determinations and the Determination of Price Reasonableness for Commercial Items](#),” which addresses the underlying tenets of section 831 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 and sections 851-853 and 855-857 of the NDAA for FY 2016, for guidance on improving consistency and timeliness of commercial item determinations and determinations of price reasonableness for commercial items.