OFFEROR'S ASSERTION OF COMMERCIALITY (AOC)

RFQ:	Item Number(s)/Description of Goods or Services:	Offeror/Supplier:

Instructions: Complete Part I, Part II, and Offeror's Assertion and Certification Section and return to Buyer.

PART I: To support Rocketdyne's determination of "commerciality", select the claimed FAR Part 2.101, Definition, below, that corresponds to the products and/or services offered; and provide supporting information for each assertion made.

☐ ***Commercial Product (Including Commercial Component).***

☐ (1) A product, other than real property, that is of a type customarily used by the general public or by nongovernmental 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) 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;

☐ (3) A product that would satisfy a criterion expressed in paragraph (1) or (2) of this definition, except 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;

☐ (4) Any combination of products meeting the requirements of paragraph (1), (2), or (3) of this definition that are of a type customarily combined and sold in combination to the general public;

☐ (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

☐ (6) A nondevelopmental 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.

☐ ***Commercially available Off-The-Shelf (COTS) item.***

(1) Any item of supply (including *construction* material) that is–

- (i) A *commercial product* (as defined in paragraph (1) of the definition of "*commercial product*" in this section);
- (ii) Sold in substantial quantities in the commercial marketplace; and
- (iii) Offered to the Government, under a contract or subcontract at any tier, without modification, in the same form in which it is sold in the commercial marketplace; and

(2) Does not include bulk cargo, as defined in 46 U.S.C. 40102(4), such as agricultural *products* and petroleum *products*.

☐ ***Commercial Computer Software.*** Any *computer software* that is a *commercial product* or *commercial service*.

☐ (1) Software that is a Commercial Product, as defined above.

☐ (2) Software that is a Commercial Service, as defined above.

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☐ ***Commercial Service.***

☐ (1) Installation services, maintenance services, repair services, training services, and other services if–

(i) Such services are procured for support of a *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 is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.

PART II: In support of the Commercial Item Assertion in Part I, provide the following information, and attach documentation supporting the assertion:

Sales Information. Provide general sales information supporting the assertion that the product(s) or service(s) have been offered for sale, lease or license, or has been sold, leased or licensed, or has evolved as described in Part I. For example, this information can take the form of a narrative description of such offers or the information may include catalog or market prices, pricing standards, invoices, general sales volume, etc. If providing invoices, the customer name and pricing must be visible.

(Insert Text)

Modifications. Provide a brief description of any modification to be performed and information supporting the type of modification. Examples of supporting information may include estimated dollar value, size of the modification, comparative value, part count, complexity, past experience and size of the final product.

(Insert Text)

Additional Supporting Information. Other sources of data and information may be identified below that support this assertion and may be helpful to the Rocketdyne in determining "commerciality":

(Insert Text)

OFFEROR'S ASSERTION AND CERTIFICATION

SIGNATURE: Please sign by hand in ink, by applying electronic signature, or transmit via email from the authorized supplier representative named on the form.		**DATE:** Please date by hand in ink, by applying electronic signature, or transmit via email from the authorized supplier representative named on the form.	
PRINTED/TYPED NAME:		**PHONE:**	
PRINTED/TYPED TITLE:		**EMAIL:**	