52.215-21 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data-Modifications.

As prescribed in 15.408(m), insert the following clause:

Requirements for *Certified Cost or Pricing Data* and *Data Other Than Certified Cost or Pricing Data*-Modifications (Nov 2021)

(a) Exceptions from *certified cost or pricing data*.

(1) In lieu of submitting *certified cost or pricing data* for modifications under this contract, for price adjustments expected to exceed the threshold set forth in Federal *Acquisition* Regulation (FAR) 15.403-4(a)(1) on the date of the agreement on price or the date of the award, whichever is later, the Contractor *may* submit a written request for exception by submitting the information described in paragraphs (a)(1)(i) and (ii) of this clause. If the threshold for submission of *certified cost or pricing data* specified in FAR 15.403-4(a)(1) is adjusted for inflation as set forth in FAR 1.109(a), then pursuant to FAR 1.109(d) the changed threshold applies throughout the remaining term of the contract, unless there is a subsequent threshold adjustment. The *Contracting Officer may* require additional supporting information, but only to the extent necessary to determine whether an exception *should* be granted, and whether the price is fair and reasonable—

(i) *Identification of the law or regulation establishing the price offered*. If the price is controlled under law by periodic rulings, reviews, or similar actions of a governmental body, attach a copy of the controlling document, unless it was previously submitted to the *contracting office*.

(ii) *Information on modifications of contracts or subcontracts for commercial products or commercial services.*

(A) If—

(1) The original contract or subcontract was granted an exception from *certified cost or pricing data* requirements because the price agreed upon was based on adequate price competition or prices set by law or regulation, or was a contract or subcontract for the *acquisition* of a *commercial product* or *commercial service*; and

(2) The modification (to the contract or subcontract) is not exempted based on one of these exceptions, then the Contractor *may* provide information to establish that the modification would not change the contract or subcontract from a contract or subcontract for the *acquisition* of a *commercial product* or *commercial service*, to a contract or subcontract for the *acquisition* of other than a *commercial product* or *commercial service*.

(B) For a *commercial product* and *commercial service* exception, the Contractor *shall* provide, at a minimum, information on prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of the modification. Such information *may* include-

(1) For catalog items, a copy of or identification of the catalog and its date, or the appropriate pages for the offered items, or a statement that the catalog is on file in the buying office to which the proposal is being submitted. Provide a copy or describe current discount policies and price lists (published or unpublished), *e.g.,* wholesale, original equipment manufacturer, or reseller. Also explain the basis of each offered price and its relationship to the established catalog price, including how the proposed price relates to the price of recent sales in quantities similar to the proposed quantities.

(2) For market-priced items, the source and date or period of the market quotation or other basis for market price, the base amount, and applicable discounts. In addition, describe the nature of the market.

(3) For items included on an active Federal Supply Service Multiple Award Schedule contract, proof that an exception has been granted for the schedule item.

(2) The Contractor grants the *Contracting Officer* or an authorized representative the right to examine, at any time before award, books, records, documents, or other directly pertinent records to verify any request for an exception under this clause, and the reasonableness of price. For items priced using catalog or market prices, or law or regulation, access does not extend to cost or profit information or other data relevant solely to the Contractor's determination of the prices to be offered in the catalog or marketplace.

(b) *Requirements for certified cost or pricing data*. If the Contractor is not granted an exception from the requirement to submit *certified cost or pricing data*, the following applies:

(1) The Contractor *shall* submit *certified cost or pricing data*, *data other than certified cost or pricing data*, and supporting attachments in accordance with the instructions contained in 15.408 Solicitation provisions and contract clauses. of FAR 15.408, which is incorporated by reference with the same force and effect as though it were inserted here in full text. The instructions in 15.408 Solicitation provisions and contract clauses. are incorporated as a mandatory format to be used in this contract, unless the *Contracting Officer* and the Contractor agree to a different format and change this clause to use *Alternate* I.

(2) As soon as practicable after agreement on price, but before award (except for unpriced actions), the Contractor *shall* submit a Certificate of Current *Cost or Pricing Data*, as prescribed by FAR 15.406-2.

(End of clause)

Alternate I (Oct 2010). As prescribed in 15.408 (m) and 15.403-5(b)(1), substitute the following paragraph (b)(1) for paragraph (b)(1) of the basic clause.

(b)(1) The Contractor *shall* submit *certified cost or pricing data*, *data other than certified cost or pricing data*, and supporting attachments prepared in the following format: _____ *[Insert description of the data and format that are required and include access to records necessary to permit an adequate evaluation of the proposed price in accordance with 15.408, 15.408 Solicitation provisions and contract clauses., Note 2. The description may be inserted at the time of issuing the solicitation, or the Contracting Officer may specify that the offeror's format will be acceptable, or the description may be inserted as the result of negotiations.]*:

Alternate II (Oct 1997). As prescribed in 15.408 (m), add the following paragraph (c) to the basic

clause:

(c) When the proposal is submitted, also submit one copy each to: (1) the Administrative *Contracting Officer*, and (2) the Contract Auditor.

Alternate III (Oct 1997). As prescribed in 15.408 (m), add the following paragraph (c) to the basic clause (if *Alternate* II is also used, redesignate the following paragraph as paragraph (d)):

(c) Submit the cost portion of the proposal via the following electronic media: _____ *[Insert media format]*

Alternate IV (Oct 2010). As prescribed in 15.408 (m), replace the text of the basic clause with the following:

(a) Submission of *certified cost or pricing data* is not required.

(b) Provide data described below:_____ *[Insert description of the data and the format that are required, including the access to records necessary to permit an adequate evaluation of the proposed price in accordance with 15.403-3 .]*

Parent topic: 52.215 [Reserved]