215.403-3 Requiring data other than certified cost or pricing data.

Follow the procedures at PGI 215.403-3 .

(a) In accordance with 10 U.S.C. 3705 —

(1) Contracting officers shall not determine the price of a contract or subcontract to be fair and reasonable based solely on historical prices paid by the Government (see PGI 215.403-3 Requiring data other than certified cost or pricing data.(4)); and

(4) In lieu of the factors for consideration listed in FAR 15.403-3(a)(4), a determination by the head of the contracting activity (see PGI 215.403-3 Requiring data other than certified cost or pricing data.(7)) that it is in the best interest of the Government to make the award to an offeror that does not make a good faith effort to comply with a reasonable request to submit data other than certified cost or pricing data shall be based on consideration of pertinent factors, including the following:

(i) The effort to obtain the data.

(ii) Availability of other sources of supply of the item or service.

(iii) The urgency or criticality of the Government's need for the item or service.

(iv) Reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract based on information available to the contracting officer.

(v) Rationale or justification made by the offeror for not providing the requested data.

(vi) Risk to the Government if award is not made.

(c) *Commercial products or commercial services.* For determinations of price reasonableness of major weapon systems acquired as commercial products, see 234.7002(e).

Parent topic: 215.403 Obtaining certified cost or pricing data.