# PGI 212.1 -ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

**Parent topic:** PGI Part 212 - ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

## PGI 212.102 Applicability.

(a)(iii) *Commercial product or commercial service determination.*

(A) *Making the commercial product or commercial service determination.*

(*1*) Before making a commercial product or commercial service determination, the contracting officer shall search the DoD Commercial Item Database at https://piee.eb.mil for the item and an associated commercial product or commercial service determination or the decision that the item is not commercial in accordance with the commercial product or commercial service definition at FAR 2.101 .

(*2*) In accordance with 10 U.S.C. 2380(b)(1), the contracting officer may—

(*i*) Request support from the Defense Contract Management Agency (DCMA) by sending an email to DCMA Commercial Item Group (CIG) at ;

(*ii*) Request support from the cognizant Defense Contract Audit Agency (DCAA) office;

(*iii*) Request support from other appropriate experts in DoD such as program office technical evaluators, program managers, cognizant engineers, or other contracting officers; or

(*iv*) Consider the views of appropriate public and private sector entities such as documents provided by the contractor asserting commerciality to include technical drawings, product or catalog descriptions, or national stock numbers.

(*3*) The contracting officer may make the commercial product or commercial service determination or the decision that the item is other than commercial in accordance with the commercial product or commercial service definition at FAR 2.101 or request a DCMA CIG contracting officer make the determination or the decision that the product or service is other than commercial in accordance with the commercial product or commercial service definition at FAR 2.101 by submitting a request to dcma.boston-ma.eastern-rc.mbx.Commercial@mail.mil. The contracting officer may withdraw the request at any point prior to the determination being made.

(B) *Documenting the commercial product or commercial service determination.*

(*1*) The contracting officer making the determination shall document the market research and rationale supporting a conclusion that the product or service is commercial or is other than commercial and include it in the contract file.

(*2*) Particular care must be taken when documenting determinations involving items that are of a type customarily used by the general public or by nongovernmental entities, “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 items and modifications of a type and sales offers. When such items lack sufficient market pricing information, additional diligence must be given to determinations that prices are fair and reasonable as required by FAR subpart 15.4.

(*3*) The contracting officer shall include the part number, the national stock number, or both, as applicable, in the commercial product or commercial service determination or the decision that the product or service does not meet the commercial product or commercial service definition at FAR 2.101.

(*4*) The contracting officer shall include the commercial product or commercial service determination or the decision that the product or service does not meet the commercial product or commercial service definition at FAR 2.101 in the contract file.

(C) *DoD commercial item database*. In accordance with 10 U.S.C. 3456 (b)(2), within 30 days of contract award, the contracting officer making the determination shall upload the signed commercial product or service determination or the decision that the item does not meet the commercial product or commercial service definition at FAR 2.101 to the DoD Commercial Item Database at https://piee.eb.mil. The only documentation that is required to be uploaded to the database is the commercial product or service determination or the decision that the item is other than commercial. Contracting officers shall avoid uploading any data marked as proprietary or controlled unclassified information to the Commercial Item Database. Additional information is available at https://www.dcma.mil/commercial-item-group/ .

(D) *Prior commercial product or commercial service determination*.

(*1*) If a prior DoD commercial product or commercial service determination for the same product or service is made by a military department, defense agency, or another component of DoD, contracting officers may presume that the prior commercial product or commercial service determination shall serve as a determination for subsequent procurements of such product or service, unless the process is followed to overturn the prior determination (see DFARS 212.102(a)(ii)(B)). If there is no prior commercial product or commercial service determination, see PGI 212.102(a)(iii)(B).

(*2*) If the DoD Commercial Item Database contains a prior decision that a product or service does not meet the definition of a commercial product or commercial service at FAR 2.101, the contracting officer may use the prior decision to serve as the decision for subsequent procurements of the same product or service. To promote consistent acquisition procedures across DoD, contracting officers should consult contracting activities that regularly procure the product or service to understand the basis for determining that the product or service does not meet the commercial product or commercial service definition at FAR 2.101. If there is no prior commercial product or commercial service determination or prior decision that an product or service does not meet the definition of a commercial product or commercial service at FAR 2.101, see PGI 212.102(a)(iii)(B).

(v) *Commercial product or commercial service guidebook*. See the Department of Defense Guidebook for Acquiring Commercial Items, Part A: Commercial Item Determination, for detailed guidance and practical examples on improving the consistency and timeliness of commercial product or commercial service determinations to include a template for new commercial product or commercial service determinations and for general information related to commercial products or commercial services.