PGI 215.402 Pricing policy.

(1) Contracting officers must purchase supplies and services from responsible sources at fair and reasonable prices. The Truthful Cost and Pricing statute (10 U.S.C. chapter 271 and 41 U.S.C. chapter 35) requires offerors to submit certified cost or pricing data if a procurement exceeds the Truthful Cost and Pricing threshold and none of the exceptions to certified cost or pricing data requirements applies. Under the Truthful Cost and Pricing statute, the contracting officer obtains accurate, complete, and current data from offerors to establish a fair and reasonable price (see FAR 15.403). The Truthful Cost and Pricing statute also allows for a price adjustment remedy if it is later found that a contractor did not provide accurate, complete, and current data.

(2) When certified cost or pricing data are not required, and the contracting officer does not have sufficient data to determine price reasonableness, FAR 15.402(a)(2) requires the offeror to provide whatever data the contracting officer needs in order to determine fair and reasonable prices.

(3) Obtaining sufficient data from the offeror is particularly critical in situations where an item is determined to be a commercial product or service in accordance with FAR 2.101and the contract is being awarded on a sole source basis. This includes commercial sales data of products or services sold in similar quantities and, if such data is insufficient, cost data to support the proposed price.

(4) See PGI 215.404-1 and the Department of Defense Guidebook for Acquiring Commercial Items, Part B: Pricing Commercial Items , for more detailed procedures and guidance on obtaining data needed to determine fair and reasonable prices.

Parent topic: PGI 215.4 - CONTRACT PRICING