

PGI PART 212 - ACQUISITION OF COMMERCIAL ITEMS

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PGI 212.1 —ACQUISITION OF COMMERCIAL ITEMS—GENERAL

PGI 212.102 Applicability.

(a)(i) *Commercial item determination.*

(1) *Making the commercial item determination.*

(A) The contracting officer may make the commercial item determination or request a Defense Contract Management Agency (DCMA) Commercial Item Group (CIG) contracting officer make the determination. To request a determination from a DCMA CIG contracting officer, the contracting officer shall send a request to the e-mail address at paragraph (a)(i)(3). The contracting officer may withdraw the request for a CIG commercial item determination at any point prior to the determination being made. Contracting officers shall include the completed commercial item determination in the contract file.

(B) Before making a commercial item determination, the contracting officer shall search for a prior DoD commercial item determination for the same item within the DoD Commercial Item Database located on the website identified in paragraph (a)(iii)(2).

(C) Particular care must be taken to document determinations involving 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 modifications and sales offers. When such items lack

sufficient market pricing histories, additional diligence must be given to determinations that prices are fair and reasonable as required by FAR Subpart 15.4.

(2) *Documenting the commercial item determination.* The contracting officer making the determination shall document the market research and rationale supporting a conclusion that the item is commercial.

(3) *DoD commercial item database.* Within 30 days of making a commercial item determination, the contracting officer shall e-mail the commercial item determination to DCMA CIG at dcma.boston-ma.eastern-rc.mbx.Commercial@mail.mil so that it can be uploaded by the CIG to the DoD Commercial Item Database.

(ii) *Prior commercial item determination.* If a prior DoD commercial item determination for the same item is made by a military department, defense agency, or another component of DoD, contracting officers may presume that the prior commercial item determination shall serve as a determination for subsequent procurements of such item, unless the process is followed to overturn the prior determination (see DFARS 212.102(a)(ii)(B)).

(iii) *Commercial item support.*

(1) *Commercial item 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 item determinations to include a template for new commercial item determinations and for general information related to commercial items.

(2) *DCMA CIG.* Contracting officers are able to request support and assistance on market research, price reasonableness, and commercial item determinations from the DCMA CIG. The DCMA CIG contact information is available at <http://www.dcma.mil/commercial-item-group/>.

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PGI 212.7102 Pilot Program.

Contracting officers shall ensure that contract files fully and adequately document the market research and rationale supporting a conclusion that the military-purpose nondevelopmental item

definition in DFARS 212.7101 has been satisfied.

PGI 212.7102-3 Reporting requirements.

(a) By October 31 each year, departments and agencies shall submit a consolidated report identifying all contracts awarded under the Pilot Program on Acquisition of Military Purpose Nondevelopmental Items during the preceding fiscal year. Submit the required information via email at osd.pentagon.ousd-atl.mbx.cpic@mail.mil.

(b) The report shall include the following:

(1) Name of the contractor receiving a contract award under the pilot described in this subpart.

(2) Description of the item or items to be acquired.

(3) The military purpose to be served by such item or items.

(4) The amount of the contract.

(5) Actions taken by the contracting officer to ensure that the price paid for such item(s) is fair and reasonable.

(c) The required format for the report is available at [http://www.acq.osd.mil/dpap/dars/pgi/docs/Template_for_Annual_Report_\(PGI_212-7102-3_Pilot_for_Military_Purpose_Nondevelopmental%20Items\).xlsx](http://www.acq.osd.mil/dpap/dars/pgi/docs/Template_for_Annual_Report_(PGI_212-7102-3_Pilot_for_Military_Purpose_Nondevelopmental%20Items).xlsx).