Description: DLA Land and Maritime Maximizing use of Commercial Contracting Procedures

Historically DLA Land and Maritime has procured the majority of its items pursuant to Federal Acquisition Regulations (FAR) Part 15. Regulatory laws have directed a preference for commercial procurement, which has numerous benefits, including reduced cycle time, greater product availability and the use of FAR Sub Part 13.5. Utilizing simplified acquisition procedures for commercial items up to $7M depends upon the items being procured meeting the FAR 2.101 definition of a “Commercial Item”. While the definition includes eight variants, the first is the most-often used and the next three are the most commonly applicable:

(1) Any item, other than real property, that is **of a type** customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, **and**—

(i) Has been sold, leased, or licensed to the general public; or

(ii) Has been offered for sale, lease, or license to the general public;

(2) Any item that **evolved** from an item described in paragraph (1) of this definition through advances in technology or performance and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Government solicitation;

(3) Any item that would satisfy a criterion expressed in paragraphs (1) or (2) of this definition, but for—

(i) **Modifications of a type** customarily available in the commercial marketplace; or

(ii) **Minor modifications** of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. Minor modifications means modifications that do not significantly alter the nongovernmental function or essential physical characteristics of an item or component, or change the purpose of a process. Factors to be considered in determining whether a modification is minor include the value and size of the modification and the comparative value and size of the final product. Dollar values and percentages may be used as guideposts, but are not conclusive evidence that a modification is minor;

(4) Any combination of items meeting the requirements of paragraphs (1), (2), (3) of this definition that are of a type customarily combined and sold in combination to the general public.

DLA is requesting manufacturers that supply military use items that likely meet the definition of a commercial item specified above, to forward the item with salient characteristics to [Daniel.Malloy@dla.mil](mailto:Daniel.Malloy@dla.mil).