



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

Office Of The Assistant Secretary

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MEMORANDUM FOR ALMAJCOM-FOA-DRU (CONTRACTING)
AF PROGRAM EXECUTIVE OFFICERS
AF MISSION AREA DIRECTORS

FROM: SAF/AQC
1060 Air Force Pentagon
Washington DC 20330-1060

SUBJECT: Acquisition of Technical Data for Commercial Items

According to a recent Air Force "Eagle Look" report on Contract Data Requirements, there is a widely held--but mistaken--belief that the Federal Acquisition Regulation (FAR) prohibits the purchase of technical data for commercial items. This memorandum addresses this mistaken belief and clarifies regulatory guidance.

The FAR reflects the statutory preference to limit commercial data to that customarily offered to the general public. Unfortunately, this minimal data is often insufficient for complete technical evaluation of an item and, more importantly, eventual long-term field operation and maintenance. Recognizing this potential for additional data requirements, the Department of Defense FAR Supplement (DFARS 227.7102-1) broadens our commercial technical data options. Exceptions to the statutory preference allow us to buy additional technical data for form, fit and function; for repair and maintenance; and to support commercial item or process modifications made at government expense. We, however, must recognize that additional data requirements usually result in higher prices.

When developing acquisition strategies, we must work with requiring activities to (1) identify when circumstances for exception exist, (2) evaluate appropriate price/benefit tradeoffs, and (3) develop and negotiate cost-effective contract terms. One source of good ideas for building effective commercial item acquisition strategies is *Commercial Item Acquisition: Considerations and Lessons Learned*, available at <http://www.acq.osd.mil/ar/doc/cotsreport.PDF>. Your local Acquisition Support Team is another source of best practices and lessons learned.

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