

Instructions to Offerors Submitting Request for Exemption from Submission of Certified Cost or Pricing Data

The Offeror shall use the SF 1412 to submit a request for exemption from the submission of certified cost or pricing data. Attach all supporting information described below to the SF 1412. Complete Section I, Items 7 through 11, if you are proposing a catalog price. Complete Section II, Item 12, if you are proposing a market price. Complete Section III, Item 13, if you are proposing a price set by law or regulation.

Items 1-6. Self-explanatory. Provide information identified in the applicable block for each item for which an exemption is requested.

Item 7. Attach a copy of or identify the catalog and its date, or the appropriate pages for the offered items, or a statement that the catalog is on file in the buying office to which this proposal is being made.

Additional Information. Provide the following additional information in Items 7 - 11 for the catalog item with the highest total proposed price for the total quantity and for each catalog item with a total proposed price exceeding \$100,000, or for additional items as requested by the contracting officer.

Item 7. Established catalog price and established discount factor are defined at FAR 15.804-3(c). Provide a copy or describe all current discount policies and price lists (published or unpublished) applicable to each class of customer. Show rebates, discounts applicable to multiple quantities or cumulative orders, and volume discounts applicable to the combination of supplies or services into one order. If the proposed price of a catalog item was determined on the basis of assignment of the Government to a particular customer class, identify the customer class and state the reasons for selecting that customer class. To justify a catalog price exemption for the Government item, the catalog item and the offered item must be the same or similar. "Similar item" is defined at FAR 15.804-3(c). For similar items, a statement must be attached identifying the technical differences and explaining, by price analysis, how the proposed price is derived from the catalog price.

Item 8. Sales period for block 9 sales information. This period should include the most recent regular quarterly or longer period for which sales data are reasonably available and should extend back only far enough to provide a total period representative of average sales. You may also attach sales data for a prior representative period if for any reason recent sales are abnormal and the prior period is sufficiently recent to support the proposed price

for the Government item. In the latter case, you must explain, by price analysis only, how the proposed price is derived from the sales made at catalog price for the prior period.

Item 9. (a) Identify the amount of all sales of the catalog item at catalog price, or at an established discount from the catalog price, to the general public as defined in FAR 15.804-3(c) that were made during the period identified in block 8. See FAR 15.804-3(f)(1) if you want sales by affiliates to be considered. (b) Identify the total amount of sales of the catalog item to all customers.

Item 11. Insert the following information on sales made during the most recent regular quarterly or longer period for which sales data are available:

On line a, insert information on the lowest price at which sales of the offered item were made to any customer during the period, regardless of quantity.

On line b, insert the lowest price at which any sales of the offered item were made at comparable quantities to any customer.

On line c, if the proposed price of the catalog item was determined on the basis of assignment of the Government to a particular customer class, insert the lowest price at which sales of the offered item were made at comparable quantities to any customer in that class.

Attach a complete explanation if the price proposed is not the lowest price at which a sale was made to any customer during the period for the sale of similar items.

Item 12. Market price exemption criteria appear at FAR 15.804-3(d)(2). The nature of this market should be described. To justify a market-price exemption, the item or service being purchased must be the same as or similar to the market price item or service. Similar item is defined in FAR 15.804-3(c). For similar items, a statement must be attached identifying the specific differences and explaining, by price analysis of the differences (see FAR 15.804-3(f)), how the proposed price is derived from the market price.

Item 13. Identify the law or regulation establishing the price offered. If the price is controlled under law by periodic rulings, reviews or similar actions of a governmental body, attach a copy of the controlling document, unless it was previously submitted to the contracting office.

Item 14. Insert the name and title of the person authorized by the offeror to sign this form.