

215.403-3 Requiring data other than certified cost or pricing data.

Follow the procedures at PGI [215.403-3](#) .

(a) In accordance with [10 U.S.C. 3705](#) —

(1) Contracting officers shall not determine the price of a contract or subcontract to be fair and reasonable based solely on historical prices paid by the Government (see [PGI 215.403-3 Requiring data other than certified cost or pricing data](#).(4)); and

(4) In lieu of the factors for consideration listed in FAR 15.403-3(a)(4), a determination by the head of the contracting activity (see [PGI 215.403-3 Requiring data other than certified cost or pricing data](#).(7)) that it is in the best interest of the Government to make the award to an offeror that does not make a good faith effort to comply with a reasonable request to submit data other than certified cost or pricing data shall be based on consideration of pertinent factors, including the following:

- (i) The effort to obtain the data.
- (ii) Availability of other sources of supply of the item or service.
- (iii) The urgency or criticality of the Government's need for the item or service.
- (iv) Reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract based on information available to the contracting officer.
- (v) Rationale or justification made by the offeror for not providing the requested data.
- (vi) Risk to the Government if award is not made.

(c) *Commercial products or commercial services.* For determinations of price reasonableness of major weapon systems acquired as commercial products, see [234.7002\(e\)](#).

Parent topic: [215.403 Obtaining certified cost or pricing data](#).