10.002 Procedures.

(a) *Acquisitions* begin with a description of the Government’s needs stated in terms sufficient to allow conduct of *market research*.

(b) *Market research* is then conducted to determine if *commercial products*, *commercial services*, or *nondevelopmental items* are available to meet the Government’s needs or could be modified to meet the Government’s needs.

(1) The extent of *market research* will vary, depending on such factors as urgency, estimated dollar value, complexity, and past experience. The *contracting officer may* use *market research* conducted within 18 months before the award of any task or *delivery order* if the information is still current, accurate, and relevant. *Market research* involves obtaining information specific to the product or service being acquired and *should* include-

(i) Whether the Government’s needs can be met by-

(A) *Products* or services of a type customarily available in the commercial marketplace;

(B) *Products* or services of a type customarily available in the commercial marketplace with modifications; or

(C) *Products* or services used exclusively for governmental purposes;

(ii) Customary practices regarding customizing, modifying or tailoring of *products* or services to meet customer needs and associated costs;

(iii) Customary practices, including *warranty*, buyer financing, discounts, contract type considering the nature and risk associated with the requirement, etc., under which commercial sales of the *products* or services are made;

(iv) The requirements of any laws and regulations unique to the item being acquired;

(v) The availability of items that contain *recovered materials* and items that are energy efficient;

(vi) The distribution and support capabilities of potential suppliers, including alternative arrangements and cost estimates; and

(vii) Whether the Government's needs can be met by small business concerns that will likely submit a competitive *offer* at fair market prices (see part 19).

(2) Techniques for conducting *market research may* include any or all of the following:

(i) Contacting knowledgeable individuals in Government and industry regarding market capabilities to meet requirements.

(ii) Reviewing the results of recent *market research* undertaken to meet similar or identical requirements.

(iii) Publishing formal requests for information in appropriate technical or scientific journals or business publications.

(iv) Querying the Governmentwide database of contracts and other *procurement* instruments intended for use by multiple agencies available at https://www.contractdirectory.gov/contractdirectory/ and other Government and commercial databases that provide information relevant to agency *acquisitions*.

(v) Participating in interactive, on-line communication among industry, *acquisition* personnel, and customers.

(vi) Obtaining source lists of similar items from other *contracting activities* or agencies, trade associations or other sources.

(vii) Reviewing catalogs and other generally available product literature published by manufacturers, distributors, and dealers or available on-line.

(viii) Conducting interchange meetings or holding presolicitation conferences to involve potential *offerors* early in the *acquisition* process.

(ix) Reviewing systems such as the *System for Award Management*, the Federal *Procurement* Data System, and the Small Business Administration's Dynamic Small Business Search.

(c) If *market research* indicates *commercial products*, *commercial services*, or *nondevelopmental items* might not be available to satisfy agency needs, agencies *shall* reevaluate the need in accordance with 10.001(a)(3)(ii) and determine whether the need can be restated to permit *commercial products*, *commercial services*, or *nondevelopmental items* to satisfy the agency's needs.

(d)

(1) If *market research* establishes that the Government's need *may* be met by a type of product or service customarily available in the commercial marketplace that would meet the definition of a *commercial product* or *commercial service* at subpart 2.1, the *contracting officer shall* solicit and award any resultant contract using the policies and procedures in part 12.

(2) If *market research* establishes that the Government's need cannot be met by a type of item or service customarily available in the marketplace, part 12 *shall* not be used. When publication of the notice at 5.201 is required, the *contracting officer shall* include a notice to prospective *offerors* that the Government does not intend to use part 12 for the *acquisition*.

(e) The *head of the agency shall* document the results of *market research* in a manner appropriate to the size and complexity of the *acquisition*.

Parent topic: Part 10 - Market Research