

# Part 10 - Market Research

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[10.000 Scope of part.](#)

[10.001 Market research requirements.](#)

[10.002 Clause.](#)

## **10.000 Scope of part.**

This part prescribes minimum requirements for conducting market research before procuring supplies and services. See section 887 of Public Law 114-92 (41 U.S.C. 1703 note), 41 U.S.C. 3306(a)(1), 41 U.S.C. 3307, and 10 U.S.C. 3453.

## **10.001 Market research requirements.**

- (a) Agencies must describe their legitimate needs.
- (b) Agencies must conduct market research appropriate to the circumstances before—
  - (1) Developing new requirements documents;
  - (2) Soliciting offers for acquisitions with an estimated value over the simplified acquisition threshold; or
  - (3) Awarding a task or delivery order over the simplified acquisition threshold.
- (c) Agencies should engage in responsible and constructive exchanges with industry. Agencies may use different strategies and methods to gather information, so long as they comply with existing law and regulation and do not provide an unfair competitive advantage to particular firms or violate the procurement integrity requirements (see 3.104).
- (d) When conducting market research, agencies must not ask potential sources to submit more than the minimum information necessary to make the determinations required in paragraph (f).
- (e) Agencies must document the results of market research in a manner that suits the acquisition's size and complexity.

(f) Agencies must procure commercial products and commercial services to the maximum extent practicable. Using the results of market research, agencies will determine, in the following order of priority, whether—

- (1) A commercial product or commercial service on an existing governmentwide contract can meet the agency's requirements;
- (2) The requirements could be modified so the agency could use an existing governmentwide contract;
- (3) A commercial product or commercial service is available from another source;
- (4) A commercial product or commercial service could be modified to meet the agency's requirements; or
- (5) The requirement can only be satisfied by a nondevelopmental item.

#### **10.002 Clause.**

The contracting officer must insert the clause at 52.210-1, Market Research, in solicitations and contracts for noncommercial acquisitions over \$7.5 million. This policy was established in 10 U.S.C. 3453(c).

# Part 52 - Solicitation Provisions and Contract Clauses

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[52.210-1 Market Research.](#)

## 52.210-1 Market Research.

As prescribed in 10.002, insert the following clause:

MARKET RESEARCH (NOV 2021) (DEVIATION JUN 2025)

(a) *Definition.* As used in this clause—

*Commercial product, commercial service, and nondevelopmental item* have the meaning contained in Federal Acquisition Regulation (FAR) 2.101.

(b) Before awarding subcontracts for noncommercial acquisitions, where the subcontracts are over the simplified acquisition threshold, as defined in FAR 2.101 on the date of subcontract award, the Contractor shall conduct market research to determine, in the following order of priority, whether—

- (1) A commercial product or commercial service can meet the agency's requirements;
- (2) The requirements could be modified so the agency could use existing commercial products or commercial service;
- (3) A commercial product or commercial service could be modified to meet the agency's requirements; or
- (4) The requirement can only be satisfied by a nondevelopmental item.

(End of clause)