



**DEFENSE CONTRACT MANAGEMENT AGENCY
Cost and Pricing Regional Command,
Commercial Item Group, DCMAP-C
8899 E. 56th St.
Indianapolis, IN 46249**

COMMERCIAL ITEM DETERMINATION

27 March 2020

SUBJECT: Commercial Item Determination for supplies and services procured in response to the Coronavirus Disease 2019 (COVID-19)

EXECUTIVE SUMMARY OF COMMERCIAL ITEM DETERMINATION (CID)

The DCMA CIG Contracting Officer determines, as implemented by the Defense Federal Acquisition Regulation Supplement (DFARS) 212.102(a)(i)(A), that supplies and services such as the ones listed below procured in response to COVID-19 meet the commercial item definition (hereinafter "the definition") in the Federal Acquisition Regulation (FAR) 2.101 and therefore determines the items / services to be commercial. The intent of this document is to allow Contracting Officers maximum flexibility in awarding critical contracts for supplies and services addressing the COVID-19 pandemic in a streamlined manner. This CID is limited to awarding contracts for supplies and services specific to resolving the COVID-19 pandemic.

In accordance with FAR 18.001(d), the President issued an emergency declaration on 13 MAR 2020. Therefore, Contracting Officers are encouraged to review language in FAR Part 18, Emergency Acquisitions, which may also be applicable. Also, the Office of Management and Budget (OMB) released guidance to the acquisition workforce informing them they can use FAR Part 13, Simplified Acquisition Procedures (SAP), for commercial items up to \$13M (the parts threshold was previously \$7M); see Memorandum M-20-18, dated 20 MAR 2020, from Ms. Margaret M. Weichert, Deputy Director for Management, OMB.

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COMMERCIALITY ASSESSMENT & DESCRIPTION OF ITEM(S) AND/OR SERVICE(S)

DCMA CIG is determining that the following types of supplies and services pertaining strictly to COVID-19 are commercial, and FAR Part 12 or FAR Part 13 procedures may be used accordingly:

Efforts associated with R&D or procurement of FDA approved COVID-19 vaccination(s) or anti-viral medication(s):

VACCINES:

Multiple biotech companies are developing a vaccine against COVID-19; these include, but are not limited to: Moderna, Imperial College London, Inovio Pharmaceuticals, Johnson & Johnson and Sanofi are working with US Biomedical Advanced Research and Development Authority,

Boston Children’s Hospital, Greffex, Novavax, GSK (HPV and seasonal flu), Vaxart, among others worldwide. Moderna is currently in Phase I clinical trials. Moderna’s speed to trials can be attributed to its prior research into another type of coronavirus (CoV), Middle East respiratory syndrome (MERS-CoV) and adapt its design for COVID-19. Its manufacturing costs are supported by the Coalition for the Epidemic Preparedness Innovations (CEPI), which is funded globally by Governments and the private sector such as Bill & Melinda Gates Foundation, Wellcome, and MasterCard Impact Fund. Funding from various sources includes the Biomedical Advanced Research and Development Authority (BARDA), the National Institute of Allergy and Infectious Diseases (NIAID), as well as the Coalition for Epidemic Preparedness Innovations (CEPI). Other companies are funding their own research and collaborating with other entities in a global initiative to conquer COVID-19.

References:

- <https://www.precisionvaccinations.com/vaccines/coronavirus-vaccines>
- <https://www.cnet.com/how-to/coronavirus-medicine-the-vaccines-and-drugs-in-development-to-treat-covid-19/>
- <https://www.marketwatch.com/story/these-nine-companies-are-working-on-coronavirus-treatments-or-vaccines-heres-where-things-stand-2020-03-06>
- <https://www.worldatlas.com/which-companies-are-working-on-a-covid-19-vaccine.html>

Because these are being developed by private institutions for the use and procurement by private entities (Hospitals), FDA approved vaccination procurements are within scope of this CID.

TREATMENTS:

Multiple biotech companies are developing antiviral medication to treat COVID-19 illness; these include, but are not limited to: Takeda Pharmaceuticals (plasma therapy), Vir Biotechnology in collaboration with WuXi Biologics, Regeneron Pharmaceuticals, Gilead Sciences, and Roche Holding. Similar antiviral drugs include:

- Gilead Sciences developed Remdesivir – in clinical trials for treating Ebola virus infections and MERS-CoV and SARS-CoV infection
- Chloroquine – originally developed to treat malaria

Because these are being developed by private institutions for the use and procurement by private entities (Hospitals), FDA approved treatment procurements are within scope of this CID.

Efforts associated with establishing and setting up temporary booths, testing stations, or hospitals for possible COVID-19 surges (including efforts performed by the Red Cross) (those other than real property):

The services of constructing, erecting or supplying medical tents, temporary structures, or testing stations is not unique to the federal Government. Companies such as Grainer, FSI, Ready-America, and Quantum EMS all sell medical tents to be used for temporary sites where this is needed, these are generally procured on a product-purchase level, whereas for non-medical specific tents, any party supply store and rental company offers tents as a rental or purchase option. Another comparison is medical/hospital tent arrangements for marathons or large scale athletic events, which are non-government procured. The efforts involved with setting up a testing

station involves logistic planning, organization of people, and established process for people to follow, none of which are Government unique requirements. Additionally, and specific to COVID-19, many privately run hospitals are establishing drive through testing sites.

- References:
 - <https://www.grainger.com/category/safety/emergency-preparedness/temporary-emergency-shelters>
 - <https://manchesterinklink.com/new-horizons-shelter-our-resources-are-stretched-thin-but-i-believe-in-the-collective-heart-of-our-citizens-and-our-leaders/>
 - https://info.willscot.com/covid-19/?utm_source=google&utm_medium=cpc&utm_campaign=8737360290&utm_term=temporary%20medical&utm_content=426450313334
 - https://info.willscot.com/covid-19/?utm_source=google&utm_medium=cpc&utm_campaign=8737360290&utm_term=temporary%20medical&utm_content=426450313334

Other than real property, temporary tents/booths, or the service of manning those stations can be procured as commercial and is within scope of this CID.

Emergency medical supplies (e.g. ventilators, masks, gloves, disinfectants, thermometers, beds, blankets) and services for COVID-19 relief efforts:

In the USA, there are many companies that manufacture infectious disease Medical supplies such as Medicom, Crosstex, Ducal, PDI, Metrex, Graham Medical, Kimberly Clark, Clinton Industries, 3M Health Care, Halyard Health, American Diagnostic Corporation, Becton Dickinson, Philips, Hamilton Medical, Fisher & Paykel Healthcare, Draeger, Medtronic, GE Healthcare, Burton Medical, David, Scott Companies, Graham Medical, Welch Allyn, among other. The Emergency Infectious Disease Medical Supplies are purchases by non-government and government entities such as public and private Hospitals, Ambulance and Air Ambulance services companies, Doctors' Offices, Private and Government Health Care System among others. The market research shows that most common Emergency Infectious Disease Medical supplies procured to deal with the COVID19 pandemic are:

- Surgical Masks
 - Medicom Medical Mask SafeMask Master Series (<https://www.medicom.com/en/products/8/masks/134/safemask-supsup-master-seriessupsup>)
 - Medicom Medical Mask SafeMask Premier Earloop Face Mask ASTM 1
 - Medicom Medical Mask TailorMade Dual Fit Earloop Face Mask
 - Crosstex Medical Mask Isofluid Earloop Mask (<https://www.crosstex.com/isofluidtm-earloop-mask-129>)
 - Surgical Face Mask with Ties in Blue
- Kids Face Masks / Small Face Masks
 - 3M 1860S Surgical Mask Small (https://www.3m.com/3M/en_US/company-us/all-3m-products/~3M-Health-Care-Particulate-Respirator-and-Surgical-Mask-1860S-Small-N95-120-EA-Case/?N=5002385+3294795977&rt=rud)

- Halyard Health Disney Childs Face Mask
(<https://products.halyardhealth.com/infection-prevention/facial-respiratory-protection/masks-respirators/childs-face-mask-disney.html>)
- N95 Respirators:
 - 3M 1860 Surgical Mask
 - Isolator Plus N95 Face Mask Particulate Respirator
(<https://www.crosstex.com/isolator-plus-n95-particulate-respirator-151>)
 - Dukal N95 Mask Surgical Mask N95 Respirator
(https://www.dukal.com/products/index.php?route=product/product&product_id=138)
- Surface Disinfectant Wipes:
 - Sani-Cloth Prime Germicidal Disposable Wipes
(<https://pdihc.com/products/environment-of-care/sani-cloth-prime-germicidal-disposable-wipes/>)
 - Sani-Cloth AF3 Surface Disinfectant Germicidal Wipes
(<https://pdihc.com/products/environment-of-care/sani-cloth-af3-germicidal-disposable-wipe/>)
 - Caviwipes1 Surface Disinfectant Wipes (<https://www.metrex.com/en-us/products/surface-disinfectants/caviwipes1>)
 - Opti-Cide MAX Disinfectant Wipes
(<https://www.quickmedical.com/micro-scientific-opti-cide-max-surface-disinfectant-wipes.html>)
- Surface Disinfectant Cleaners:
 - Sani-Prime Germicidal Spray (<https://pdihc.com/products/environment-of-care/sani-prime-germicidal-spray/>)
 - ProSpray Surface Disinfectant and Cleaner
(<http://www.certol.com/pdf/industrial%20pp/prospray%20family%20ppi.pdf>)
 - CaviCide Surface Disinfectant Cleaner
 - Cavicide1 Surface Disinfectant Cleaner
 - Opti-Cide MAX Disinfectant Cleaner
- Hand Wipes:
 - Sani-Hands Instant Hand Sanitizing Wipes 9
<https://pdihc.com/products/patient-care/sani-hands-instant-hand-sanitizing-wipes/>)
 - Purell Hand Sanitizer Wipes-Canister
- Hand Sanitizers:
 - Purell Advanced Instant Hand Sanitizer
(<https://www.amazon.com/PURELL-Advanced-Instant-Sanitizer-Flip-Cap/dp/B004ZS7V1O>)
 - Purell Advanced Instant Hand Sanitizer with Aloe
 - Dial Instant Hand Sanitizer with Moisturizers Fragrance Free
- Hand Soap:
 - MICRELL Antibacterial Lotion Soap with PCMX
(<https://www.amazon.com/MICRELL-Antibacterial-Fragrance-Counter-Bottles/dp/B004I8WOV8>)
 - Dial Antimicrobial Liquid Hand Soap Sensitive Skin
 - VioNexus Antimicrobial Foaming Soap
 - Dial Antimicrobial Liquid Hand Soap-Moisturizers Vitamin E

- Exam Gloves:
 - Nitrile Exam Gloves-Pulse (<https://ihcsolutions.com/product/177-pulse-nitrile-exam-gloves/>)
 - Sempermed SemperShield High-Risk Nitrile Exam Gloves (<http://www.sempermedusa.com/products/sempershield-nitrile>)
 - Halyard Health PURPLE NITRILE Exam Gloves
- Infrared Thermometers:
 - Rycom Infrared Thermometer (<https://www.rycom-med.com/product-item/jxb-181-infrared-thermometer/>)
 - Infrared Thermometer (<https://www.amazon.com/Digital-Infrared-Thermometer-Temperature-Non-Contact/dp/B07PVZ4WH4>)
 - Caregiver Infrared Thermometer Non-Contact
- Isolation Gowns:
 - Medical Isolation Gowns (<https://www.quickmedical.com/isolation-gowns.html>)
 - Graham Medical Isolation Gown with Elastic Cuffs (<https://www.mdsupplies.com/medical-supplies-Graham-Medical-Isolation-Gown-Non-Woven-Elastic-Cuff-Yellow-30-x-42-UFXH1UG5H4.html>)
 - Isolation Gown AAMI Level 2 (https://es.halyardhealth.com/media/1619/h0866_09_01_aami_bro.pdf)
 - Isolation Gown AAMI Level 3
- Shoe Covers:
 - Dukal Medical Shoe Covers (https://www.dukal.com/products/index.php?route=product/product&product_id=133)
 - Halyard Health BASICS Shoe Covers (<https://products.halyardhealth.com/infection-prevention/protective-apparel/footwear/halyard-basics-shoe-cover.html>)
 - Halyard Health X-TRA Traction Shoe Covers
- Eye Protection:
 - Protective Medical Goggles (<https://www.usamedicalsurgical.com/protective-medical-goggles/>)
 - Protective Medical Glasses 9 (<https://www.amazon.com/Best-Sellers-Industrial-Scientific-Medical-Safety-Glasses/zgbs/industrial/11312318011>)
- Germicidal Bleach:
 - Clorox Germicidal Bleach (<https://www.clorox.com/products/clorox-germicidal-bleach-concentrated/unscented/>)
- Toilet Paper:
 - Cottonelle Ultra Soft Bath Tissue 9 (<https://www.amazon.com/Cottonelle-ComfortCare-Toilet-Biodegradable-Septic-Safe/dp/B07C9JYF2W>)
 - Angel Soft PS Ultra Bathroom Tissue
 - Cottonelle Professional Bathroom Tissue
- Viral Culture Swabs –(<https://www.labcorp.com/tests/008573/viral-culture-general>)
- Portable Ventilators
 - Portable Ventilator Assist-Control-EPV200 (<http://www.alliedhpi.com/zepv200.htm>)

- Portable Ventilator-EPV100
- Portable Ventilator-MCV100
(<https://www.usamedicalsurgical.com/portable-ventilator-mcv100/>)
- Portable Ventilator-MCV200
- Transport ventilator
 - Transport Ventilator AHP300 (<http://ahp300.com/>)
- Medical Beds (<https://avacaremedical.com/bedroom/hospital-beds>)
- Portable Medical Beds (<https://blu-med.com/portable-hospital-beds/>)

There are a variety of distributors that sell Infectious Disease Medical Supplies in the commercial marketplace. Examples include:

- <https://www.usamedicalsurgical.com/>
- <https://safetec.com/distributors/>
- <https://www.quickmedical.com/medical-supplies.html>
- <https://www.amazon.com/>
- <https://www.mdsupplies.com/all-categories.html>

These types of items can be procured by the general public for general purposes. Based on the market research completed all the medical supplies and equipment purchased by non-government and government entities to fight the COVID19 are commercial and within scope of this CID.

Facility related services such as contracts for orderly shutdown, and associated building and equipment maintenance such as deep cleaning efforts:

Efforts related to mothballing a building for a long term or permanent closure were readily available using market research. Many manufacturing companies have their own shutdown procedures for maintenance and repair of equipment and facilities. Many of these services are performed by their own employees. Market research efforts also found situations where these efforts were contracted out; however, it was specific for things like construction resulted by a depletion of finances, or halt in construction for a biohazard clean up. Efforts that fall into the above are considered commercial and within the scope of this CID.

Market research indicates that numerous cleaning service companies, maid services, mold remediation companies, crime scene/biohazard and hazardous waste removal companies, are providing COVID-19 cleaning and remediation services commercially to commercial businesses and individuals. The requesting parties range from home owners requesting a deeper cleaning than their normal spring cleaning where wipe down of everything in the home is wiped down and sanitized, to a business that has had some exposure or cases where COVID-19 was present and a “virucidal disinfection” of their facility is warranted. These workers wear more PPE, (personal protective equipment), including respirators, one-piece Tyvek suits, two pairs of gloves and booties. The services they provide may be as simple as a more intense washing, dusting and disinfecting of everything in the building, requiring a longer amount of time in the facility, or utilization of an electrostatically-charged spray that blanket the room in a mist of disinfectant which adheres better to surfaces.

The COVID-19 virus is among the easiest viruses to destroy so either method is applied correctly will work sufficiently in killing the virus. Regardless, all of these services can be obtained on a commercial basis and are available to the public. Cost varies on square footage of the area being

decontaminated and the method of cleaning required by the customer. The disinfectants used for cleanup compare to those used for mold or sewage cleanups. Companies that are providing these types of services are:

- Aftermath Services, Illinois
- Servpro Extreme Response Team, California
- All Clean Inc. MD, East Coast
- Clean Harbors, Massachussets
- Infection Control Technologies, New Jersey
- Bio Management Northwest, Washington

- References:
 - <https://www.theatlantic.com/health/archive/2020/03/americas-coronavirus-deep-cleaning-boom/607948/>
 - <https://qz.com/1817958/coronavirus-prevention-what-is-deep-cleaning/>
 - <https://www.latimes.com/business/story/2020-03-20/coronavirus-deep-cleaning-companies>

Efforts like the above cleaning and disinfectant services associated with COIVD-19 are considered commercial and within scope of this CID.

DETERMINATION

The market research above and determinations made herein were limited to the situational information pertaining to the 2020 COVID-19 pandemic. This Determination does not apply to products or services being procured for non-COVID-19 activities (except for future procurement(s) of the same supplies and/or services that were previously procured using this CID). Note: This determination is being issued pre-solicitation. Therefore, DCMA CIG was unable to review the terms and conditions for any service contract that may be awarded using this CID. Also, the undersigned recognizes that even if the services stay the same from one acquisition to the next, the terms and conditions can change. Therefore, current and future use of this determination for services is dependent upon the services remaining the same and the terms and conditions being similar to those offered to the general public.

Based on the considerations above, supplies and services procured in response to COVID-19 such as the aforementioned, meet the requirements of the commercial item definition at FAR 2.101 and are therefore these items and services are determined commercial items.

Austin Rentschler
Commercial Item Determination Contracting Officer

Ryan Connell
Director, Northeast Pricing, Commercial Item Group