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Cost or Pricing Data Requirements: Emerging Developments and Risk Areas

One of the recurring challenges facing companies that do business with the government is having to turn over cost or pricing data to the government during contract negotiations. Under the Truthful Cost or Pricing Data Act, commonly referred to by its former name, the Truth in Negotiations Act or TINA, the government may, in certain circumstances, obtain certified (or uncertified) cost or pricing data from contractors as a means of verifying that prices are reasonable. Enacted in 1962 in response to reports of widespread overcharging by defense contractors, TINA was intended to protect the taxpayer by giving contracting officers more information when negotiating prices with offerors. But cost or pricing data submissions may result in administrative burdens and delays in the acquisition system that can frustrate other policy goals.

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