

**Supporting Statement: Department of Energy Procurement Package
2008 Submission OMB Control Number 1910-4100**

This supporting statement provides additional information regarding the Department of Energy request for extension of the existing clearance for the above named package of information collections imposed by the Department of Energy Acquisition Regulation (DEAR) codified at Chapter 9 of Title 48 of the Code of Federal Regulations. The DEAR is authorized by section 644 of the Department of Energy Organization Act, 42 U.S.C. 7254, as well as section 205(c) of the Federal Property and Administrative Services Act, 40 U.S.C. 486(c). The DEAR implements and supplements the Federal Acquisition Regulation authorized by the Office of Federal Procurement Policy Act, as amended 41 U.S.C. 405. To the extent that a procurement burden is first imposed by the Federal Acquisition Regulation, it will be justified and cleared by the General Services Administration for Government wide use. If a procurement burden is imposed by the Department of Energy Acquisition Regulation, the burden will be justified and cleared by DOE as part of this Paperwork Reduction Act submission.

1. Indicate how, by whom, and for what purpose the information is to be used.

The information collected by this package is used by the Department's program, financial, and procurement personnel to evaluate proposals and administer contracts. These collections are used to exercise management oversight and control of the Department's management contractors operating the Department's major facilities and other contractors furnishing goods and services.

The Department of Energy Organization Act, 42 U.S.C. 7254, states that the Secretary of Energy is authorized to prescribe such procedural and administrative rules as may be deemed necessary and appropriate to administer and manage the functions vested in the Department and to enter into and perform contracts, leases, cooperative agreements and other similar transactions with public agencies and private organizations and persons as may be deemed necessary and appropriate.

It should be noted that the costs incurred by DOE contractors in responding to these information collections should generally be allowable costs recovered pursuant to their contracts' cost principles guidance. In this sense they differ from information collections imposed on the general public for which no cost reimbursement is provided. DOE is interested in keeping these information burdens as small as possible to lessen its own costs under these contracts. Only basic management information is collected from contractors to allow the Department to manage and oversee contractor conducted operations.

2. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Contractors are authorized to submit information to the Department electronically, e.g., Internet, E-mail, computer disk, or facsimile. In some instances, such as submission of

proposals and scientific reporting, the Department has provided Web based tools to facilitate submission of information.

3. Describe efforts to identify duplication.

Twice in the past, DOE has done an extensive review of this information collection package to ensure that it does not duplicate other collections conducted elsewhere in the Department or within the larger Federal procurement community. The Federal Acquisition Regulation (FAR) system prohibits the agencies from duplicating requirements originally established by the FAR. The Department of Energy does not believe any of these requirements duplicate requirements elsewhere.

4. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The impact of the collection on small businesses is considered in the rulemaking process and steps to minimize the impact are taken to the extent permitted by applicable statutory requirements and other legal and management constraints.

5. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The frequency of collection is dictated by sound management practice, external laws and regulations, and Departmental Directives and requirements. When any of these conditions change to permit reduction in the frequency of collection, the reduction will be made and the contract documents will be changed to reflect the reduction. Not collecting the information or reducing the collection may result in violations of procurement, contractual, safety, health, or environmental statutes or regulations. The health and well being of Federal and contractor employees, as well as Federal property and adjacent communities could be adversely affected. Violations could also lead to criminal or civil penalties.

6. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Information collections in this package have been reviewed and justified by Departmental management requirements, statutes, external regulations, interagency requirements, Departmental orders or other internal DOE requirements. The package is consistent with OMB guidelines.

7. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE.**

The Department published a Notice and Request for Comment concerning this collection in the Federal Register on February 8, 2008 at 73 FR 7538. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments were received as a result of that notice.

8. **Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

There is no remuneration given for submission of any of the information other than the fact that the expense of responding is treated as an allowable cost.

9. **Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

Where confidential information is involved in an information collection, the provisions for dealing with this confidential information are set forth in the related Departmental regulations; these are the normal regulations for the handling of management and program information by the Department.

10. **Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no collections in this package involving questions that are sensitive, personal, or private in nature.

11. **Provide labor hour estimates of the burdens associated with the information collection. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.**

The collection package contains burdens associated with 47 solicitation provisions or contract clauses that request the submission of information or the maintenance of records by offerors and contractors. The individual burdens and their regulatory citations are identified in the attachment entitled PROCUREMENT BURDENS – OMB CONTROL NO. 1910-4100. The collection involves 7,539 respondents with an annual estimate of 896,209 burden hours. These estimates were derived from field office inquiries and the related analysis of subject matter experts.

The associated cost estimate is \$75 per hour times the 896,209 burden hours for an expense estimated to be \$67,215,675. These numbers have increased slightly from prior years due to an increase in the number of respondents and estimated burden associated with the Security clause. The overall number of respondents has increased from 1,616 to 7,539 and the total burden hours have increased from 893,359 to 896,209.

12. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

The Department does not believe there are costs to the contractors beyond those reported above for the reporting and recordkeeping burdens associated with the collection.

13. Provide estimates of annualized cost to the Federal government.

It is estimated that the cost to the Department associated with this collection package is \$30.00 per burden hour based on the approximate hourly rate for a GS-13 plus 30% for employee benefits, = \$39.00 per burden hour, plus 25% for overhead, = \$48 per burden hour. The Department estimates that it uses 488,938 hours to analyze and process the collection.

Government cost at \$48.00 per hour:	\$23,469,024
Business cost at \$75.00 per hour:	\$67,215,675
Total:	\$90,684,699

14. Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.

The Department has made some minor adjustments in its estimates of responses and burden hours. The number of respondents shown for the Security and Classification/Declassification clauses was increased to correct an understatement in the prior estimate. There is also an in process rulemaking to require contractors to submit background check information on individuals they recommend for security clearances but the current burden estimate is considered accurate. The Department eliminated 2 collections, i.e., Make or buy plans (3/31/06 71 FR 16423) and Facilities management (5/29/06 72 FR 29431). This decrease was offset by moving 2 other requirements into the procurement collection. The integration of environment, safety and health clause had previously been separately cleared under OMB 1910-5103. The Work authorization clause had previously been separately cleared under OMB 1910-5132.

15. For collections whose results will be published, outline the plans for tabulation and publication.

None of the information collected is tabulated or published. The information collected is for contract administration purposes.

16. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The Department is not seeking approval to not display the expiration date for the OMB approval of the information collections contained in this package.

17. Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

The Department is not requesting any exceptions to the certification statement provided in Item 19 of OMB Form 83-I.