

A. JUSTIFICATION

1. This is a request for emergency processing of a new information collection requirement. DoD is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 1017 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364). Section 1017 requires DoD to issue an acquisition policy that establishes, as a criterion required to be considered in obtaining carriage of cargo by vessel for DoD, the extent to which an offeror of such carriage has had overhaul, repair, and maintenance work for covered vessels performed in shipyards located in the United States or Guam. Section 1017 also requires DoD to submit an annual report to the congressional defense committees regarding overhaul, repair, and maintenance performed on covered vessels of each offeror to which the acquisition policy applies.

To permit compliance with section 1017 of Public Law 109-364, the DFARS rule requires offerors to provide the following information on all “covered vessels,” as defined by the statute and implemented in the rule, for which overhaul, repair, and maintenance work has been performed during the period covering the current calendar year, up to the date of proposal submission, and the preceding four calendar years. The five-year period will capture the average maintenance life cycle of covered vessels.

- (1) Name of vessel.
- (2) Description of qualifying shipyard work performed.
- (3) Name of shipyard that performed the work.
- (4) Inclusive dates of work performed.
- (5) Cost of work performed.

No later than February 15th of each year, each military department and defense agency will submit a report of all information received to the U.S. Transportation Command, who will submit a consolidated report to the congressional defense committees in accordance with section 1017 of Public Law 109-364.

2. DoD will use this information to evaluate offers submitted in response to solicitations for carriage of cargo by vessel, and to prepare annual reports to Congress, in accordance with section 1017 of Public Law 109-364.

3. Improved information technology will be used to the maximum extent practicable. Where offerors or contractors have automated systems that contain the information needed to report this requirement, they may submit the information in formats that are compatible with the automated systems.

4. As a matter of policy, DoD reviews the Federal Acquisition Regulation to determine if adequate language already exists. This information collection does not duplicate any other requirement.

5. The information collection associated with small businesses is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices.

6. Less frequent collection of the information would not permit DoD to comply with the proposal evaluation and Congressional reporting requirements of section 1017 of Public Law 109-364.

7. Collection is consistent with the guidelines in 5 CFR 1320.5(d). The information will not be collected in a manner that requires an explanation of special circumstances.

8. Public comments will be solicited in the Federal Register as required by 5 CFR 1320.8(d). A subsequent information collection package to be submitted under regular processing timeframes will address any comments received on the information collection portion of the DFARS rulemaking.

9. No payment or gift will be provided to respondents, other than remuneration of contractors under their contracts.

10. The information collected will be disclosed only to the extent consistent with prudent business practice, current regulations, and statutory requirements. No assurance of confidentiality is provided to respondents.

11. No sensitive questions are involved.

12. Based on historical information regarding solicitations of the type covered by the DFARS rule, approximately 15 responses are expected annually. The estimated annual cost to the public is as follows:

Number of respondents: 15.

Responses per respondent: 1.

Total responses: 15.

Hours per response: 1.5.

Total hours: 22.5.

Average wages: \$48.30*

Total public cost: \$1,086.75.

* Based on a GS-13, step 5 (equivalent) salary (\$36.36), plus 32.85 percent burden.

13. DoD does not estimate any annual cost burden apart from the hour burden in Item 12.

14. DoD estimates that it will take the Government 2 hours to review and process the information in each response. The estimated annual cost to the Government is as follows:

Total responses: 15.

Hours per response: 2.

Total hours: 30.

Average wages: \$48.30.*

Total Government cost: \$1,449.

* Based on a GS-13, step 5 salary (\$36.36), plus 32.85 percent burden.

15. This is a new information collection requirement.

16. Results of this information collection will not be tabulated or published.

17. DoD does not seek approval to not display the expiration dates for OMB approval of the information collection.

18. There are no exceptions to the certification accompanying this Paperwork Reduction Act submission.

B. Collections of Information Employing Statistical Methods

Statistical methods will not be employed.