

**SUPPORTING STATEMENT  
FOR PAPERWORK REDUCTION ACT SUBMISSION  
9000-0141-BUY AMERICAN ACT-CONSTRUCTION**

**A. Justification.**

1. **Administrative requirements.** This is a request on extension of an information collection requirement currently approved under OMB Control Number 9000-0141 for Buy American Act-Construction (FAR Subpart 25.2 and clauses at 52.225-9 and 52.225-11). These regulations implement the Buy American Act for construction (41 U.S.C. 10a - 10d).

The clauses at FAR 52.225-9, Buy American Act-Construction Materials, and FAR 52.225-11, Buy American Act-Construction Materials under Trade Agreements, provide that offerors/contractors requesting to use foreign construction materials, other than construction material eligible under a trade agreement, shall provide adequate information for Government evaluation of the request.

2. **Uses of information.** The data being collected concerns the specific foreign and domestic construction material that the individual offeror plans to use in support of a proposal provided by the potential prime contractor in response to a Government solicitation for construction. The information is collected from each offeror in support of the offeror's proposal submitted in response to a Government solicitation. The data are used, prior to award of a contract and during the evaluation of costs, in order to determine whether an offeror's costs are unreasonable.

The contracting officer will use this information prior to award to evaluate whether an exception should be granted to the requirement under the Buy American Act for the use of domestic construction materials.

3. **Consideration of information technology.** We use improved information technology to the maximum extent practicable. Where both the Government agency and contractors are capable of electronic interchange, the contractors may submit this information collection requirement electronically.

4. **Efforts to identify duplication.** This request for information does not duplicate any other requirement.

**5. If the collection of information impacts small businesses or other entities, describe methods used to minimize burden.** This information collection requirement is the same for large and small businesses. It is not anticipated that this requirement will have a significant impact on a substantial number of small businesses because contractors are required by statute either to comply with the Buy American Act or seek exceptions. These clauses provide guidance on how to seek an exception.

**6. Describe consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently.** This collection of information is imposed upon contractors in order to permit evaluation of requests based on unreasonable cost. In addition, the data will permit the contracting officer to determine whether to grant an exception to the Buy American Act or Trade Agreements Act in order to obtain the best price for the U.S. Government.

**7. Special circumstances for collection.** Collection is consistent with the guidelines in 5 CFR 1320.6. The information will not be collected in a manner that requires an explanation of special circumstances.

**8. Efforts to identify duplication.** Public comments were solicited in the *Federal Register* at 73 FR 14780, March 19, 2008, and at 73 FR 37418, July 1, 2008, as required by 5 CFR 1320.8(d)). No comments were received.

**9. Explanation of any decision to provide any payment or gift to respondents, other than remuneration of contractors or guarantees.** Not applicable.

**10. Describe assurance of confidentiality provided to respondents.** The information collected will be disclosed only to the extent consistent with prudent business practices and current regulations.

**11. Additional justification for questions of a sensitive nature.** The information collection includes no questions regarding matters that are commonly considered private.

**12 & 13. Estimated total annual public hour and cost burden.** The estimated hour burden of the collection of information and the estimated annualized cost to respondents were based on estimates of responses and processing times

from contracting professionals familiar with the acquisition process.

Number of respondents. . . . .	500
Number of responses per respondent per year. . . . .	<u>x 2</u>
Total annual responses . . . . .	1,000
Preparation time per response. . . . .	<u>x 2.5</u>
Total response burden hours. . . . .	2,500
Average cost per hour . . . . .	<u>\$27.65*</u>
Annual cost to respondents . . . . .	\$69,125

\*Based on equivalent of GS-9 step 5 salary, plus 32.45 percent burden.

13. We do not estimate any annual cost burden apart from the hour burdens in items 12 and 14.

14. The time and cost required for Government review of offeror/contractor responses is estimated based on receiving, reviewing, and analyzing the information submitted by each offeror.

Total annual responses . . . . .	1,000
Review time per response . . . . .	<u>x 1</u>
Total burden hours . . . . .	1,000
Average cost per hour. . . . .	<u>x \$27.65*</u>
Annual cost to Government . . . . .	\$27,650

15. **Explain reasons for program changes or adjustments reported in Item 13 or 14.** This submission requests an extension of OMB approval of an information collection requirement in the FAR. The information collection requirement in the FAR remains unchanged.

16. **Outline plans for published results of information collections.** Results of this information collection will not be published for statistical use. Instead, results of the information collection are considered during the evaluation of individual proposals for award.

17. **Approval not to display expiration date.** Not applicable.

18. **Explanation of exception to certification statement.** Not applicable.

**B. Collections of Information Employing Statistical Methods.**

Results will not be tabulated. Statistical methods will not be employed.