

**Supporting Statement for Paperwork Reduction Act Submission  
3090-0200 – Sealed Bidding**

**A. Justification**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This information collection is necessary for efficient implementation of the GSA stock program. The GSA stock program requires contract coverage for certain basic items necessary for Government operations. For certain items, no single contractor is capable of supplying the quantities of supplies needed. Therefore, a method for making progressive awards is necessary.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Clause 552.214-71 is used by Government contracting officers in one solicitation where the item required is such that multiple contracts must be awarded. It should be noted that the current OMB Clearance is based on purchasing wiping rags that are now being acquired under the FSS Multiple Award Schedule program. This clearance is based on the clause being used in contracts to acquire firefighters pants and shirts, as well as fire shelters. The flexibility offered by the clause furthers Government policy to encourage small business participation in acquisitions.

**3. 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, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

We use improved information technology to the maximum extent practicable in obtaining this information in offers received in response to Government solicitations.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This request for information does not duplicate any other requirement.

**5. If the collection of information impacts small businesses or other small entities (item 5 of OMB 83-I), describe any methods used to minimize burden.**

The collection burden applies equally to small organizations that want a Schedule contract and is the minimum necessary to meet the specific program objectives.

**6. 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.**

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Collection of information on a less frequent basis is not practical. The information is needed prior to award of a contract and must be accurate at time of contract award.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner requiring respondents to:**

- **Report information to the agency more often than quarterly;**
- **Prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Submit more than an original and 2 copies of any document;**
- **Retain records, other than health, medical, government contracts, grant-in-aid, or tax records, for more than 3 years;**
- **In connection with a statistical survey, that is not designed to produce valid, reliable results that can be generalized to the universe of study;**
- **Require the use of a statistical classification that has not been reviewed and approved by OMB;**
- **Include a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No special circumstances exist.

**8. 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 5 CFR 1320.8(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 by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

A notice in the November 27, 2007 Federal Register made this requirement available to the public and requested comments. No comments were submitted.

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

Not applicable. GSA makes no such payments under this collection.

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

The information collected will be disclosed only to the extent consistent with prudent business practices, current regulations, and in accordance with the requirements of the Freedom of Information Act. No assurance of confidentiality is provided to respondents.

**11. 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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

No sensitive questions are involved.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

We based the estimated hour burden of the collection of information on information obtained from subject matter experts familiar with the approximate number of solicitations/contracts likely to contain this clause and the range of processing times, depending on the complexity of the contract. The burden addressed in this information collection requirement is the burden of submitting the required information.

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Estimated respondents/yr.	10
Annual responses	<u>1</u>
Total annual responses	10
Estimated hrs/response	<u>.5</u>
Estimated total burden/hrs	5
Cost per hour	<u>\$32.93</u>
Estimated cost to public	\$164.65

The estimated cost of \$32.93 per hour is based on the equivalent of a GS-12, step 5 salary (Salary Table 2004-DCB Washington-Baltimore, DC-MD-VA-WV, Effective January 2004).

**13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)**

- **The cost estimate should be split into two components: (a) total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment, and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the Government or (4) as part of customary and usual business or private practices.**

See response #12 above.

**14. Provide estimates of annualized costs to the Federal Government. Also, provide a description of the method used to estimate cost, which should include qualification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

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Data submitted by respondents is collected and stored electronically. Individual submissions are not reviewed. Retrieval of cumulative data requires approximately 260 hours and costs the Government \$8,562.

Reviewing time/hr	10
Requests/year	<u>.50</u>
Review time/year	5
Average Cost/hr	<u>\$32.93</u>
Total Government Costs	\$164.65

The cost of \$32.93 per hour is based on GS-12, step 5 salary (Salary Table 2004-DCB Washington-Baltimore, DC-MD-VA-WV, Effective January 2004).

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

There is no difference between the justifications for the collection as it previously existed and as it exists now with the exception of cost per hour that is based on a GS-12, step 5 salaries.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

Results will not be tabulated or published. Data collected will be used for internal administration of contracts.

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

Not applicable.

**18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions”, of OMB Form 83-I.**

Not applicable.

## PART 514—SEALED BIDDING

### Subpart 514.2—Solicitation of Bids

#### 514.201 Preparation of invitations for bids.

##### 514.201-1 Uniform contract format.

Include the following notice in each solicitation:

“The information collection requirements contained in this solicitation/contract, are either required by regulation or approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act and assigned OMB Control No. 3090-0163.”

##### 514.201-2 Part I—The Schedule.

(a) When you use Standard Form 33, Solicitation, Offer and Award, include the following cautionary notice:

“Notice to Bidders—Use Item 13 of the Standard Form 33, Solicitation, Offer and Award, to offer prompt payment discounts. The Prompt Payment clause of this solicitation sets forth payment terms. Do not insert any statement in Item 13 which requires payment sooner than the time stipulated in the Prompt Payment clause. EXAMPLE: If you insert “NET 20” in Item 13, GSA will reject your offer as nonresponsive because the entry contradicts the 30 day payment terms specified in the Prompt Payment clause.”

(b) When you use any other authorized form (e.g., Standard Form 1447, Solicitation/Contract), include the notice in (a) above. Change the reference to the form number, form title, and item number accordingly.

##### 514.201-6 Solicitation provisions.

When you will consider all or none bids, insert the provision at [552.214-70](#), “All or None” Offers, in the solicitation. For requirements or indefinite quantity contracts, use Alternate I. Do not include this provision in solicitations when you require the bidder to submit bids on all items and will make only one award.

##### 514.201-7 Contract clauses.

(a) *Stock replenishment contracts.* For some stock replenishment contracts, individual contractors may be unable to furnish the Government’s monthly requirements. You may determine that progressive awards will be more expedient. In such cases, insert a clause substantially the same as the clause at [552.214-71](#), Progressive Awards and Monthly Quantity Allocations, in the solicitation and contract.

(b) *Examination of Records.* (1) Insert [552.215-70](#), Examination of Records by GSA, in solicitations and contracts for supplies or services that exceed \$100,000, and acquisitions of leasehold interests in real property that exceed the simplified lease acquisition threshold, that meet at least one of the following conditions:

- (i) Involve the use or disposition of Government-furnished property.
- (ii) Provide for advance payments, progress payments based on cost, or guaranteed loan.
- (iii) Contain a price warranty or price reduction clause.
- (iv) Include an economic price adjustment clause where the adjustment is not based solely on an established, third party index.
- (v) Are requirements, indefinite-quantity, or letter contracts as defined in FAR part 16.
- (vi) Contain the provision at FAR 52.223-4, Recovered Materials Certification.

(2) You may modify the clause to define the specific area of audit (e.g., the use or disposition of Government-furnished property). Legal Counsel and the Assistant Inspector General-Auditing or Regional Inspector General-Auditing, as appropriate, must concur in any modifications to the clause.

##### 514.201-70 GSA Form 1602.

You may use GSA Form 1602, Notice Concerning Solicitation, to do any of the following:

- (a) Describe the type of contract, the duration of the contract, and the type of supplies or services being procured.
- (b) Direct the attention of prospective bidders to special requirements which, if overlooked, may result in rejection of the offer.
- (c) Highlight significant changes from previous solicitations covering the same supplies or services.
- (d) Include other special notices, as appropriate.

requirements, and other pertinent factors. By providing a selection of comparable supplies or services, ordering activities are afforded the opportunity to fulfill their requirements with the item(s) that constitute the best value and that meet their needs at the lowest overall cost.

(b) A written notice of award or acceptance of an offer, mailed or otherwise furnished to the offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer’s specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

(End of provision)

*Alternate I (Aug 1997).* When anticipating competition of identical items, add the following paragraph after paragraph (b) of the basic provision.

(c) The Government reserves the right to award only one contract for all or a part of a manufacturer’s product line. When two or more offerors (e.g., dealers/resellers) offer the identical product, award may be made competitively to only one offeror on the basis of the lowest price. (Discounts for early payment will not be considered as an evaluation factor in determining the low offeror). During initial open season for an option period, any offers that are equal to or lower than the current contract price received for identical items will be considered. Current contractors will also be allowed to submit offers for identical items during this initial open season. The current contractor which has the identical item on contract will be included in the evaluation process. The Government will evaluate all offers and may award only one contract for each specified product or aggregate group.

**552.214-70 “All or None” Offers.**

As prescribed in [514.201-6](#), insert the following provision:

“ALL OR NONE” OFFERS (SEP 1999)

(a) Unless awards in the aggregate are specifically precluded in this solicitation, the Government reserves the right to evaluate offers and make awards on an “all or none” basis as provided below.

(b) An offer submitted on an “all or none” or similar basis will be evaluated as follows: The lowest acceptable offer exclusive of the “all or none” offer will be selected with respect to each item (or group of items when the solicitation provides for aggregate awards) and the total cost of all items thus determined shall be compared with the total of the lowest acceptable “all or none” offer. Award will be made to result in the lowest total cost to the Government.

(End of provision)

*Alternate I (Sep 1999).* For a requirements or indefinite quantity contract, the following paragraph (b) shall be substituted in the basic provision:

(b) An offer submitted on an “all or none” or similar basis will not be considered unless the offer is low on each item to which the “all or none” offer is made applicable. The term “each item” as used in this provision refers either to an item that under the terms of the solicitation may be independently awarded, or to a group of items on which an award is to be made in the aggregate.

**552.214-71 Progressive Awards and Monthly Quantity Allocations.**

As prescribed in [514.201-7\(a\)](#), insert the following clause:

PROGRESSIVE AWARDS AND MONTHLY QUANTITY ALLOCATIONS (SEP 1999)

(a) *Monthly quantity allocation.* (1) Set forth below are the Government’s estimated annual and monthly requirements for each stock item covered by this solicitation. Offerors shall indicate, in the spaces provided, the monthly quantity which they are willing to furnish of any item or group of items involving the use of the same production facilities. In making monthly allocations, offerors are urged to group as many items as possible. Such groupings will make it possible for the Government to make fullest use of the production capabilities of each offeror.

(2) Offerors need not limit their monthly allocations to the Government’s estimated monthly requirements, since additional unanticipated needs may occur during the period of the contract. If an offeror does not insert monthly allocation quantities, it will be deemed to offer to furnish all of the Government’s requirements, even though they may exceed the stated estimated requirements.

National Stock Number	Estimated Annual Requirements	Estimated Annual Requirements

Bidders Monthly Quantity Allocations

Items or Groups of Items	Monthly Allocation Quantity

(b) *Progressive awards.* If the low responsive offeror’s monthly quantity allocation is less than the Government’s estimated requirements, the Government may make progressive awards beginning with the low responsive offeror and including each next low responsive offeror to the extent necessary to meet the estimated requirements.

(c) *Ordering procedures.* If progressive awards are made, orders will be placed first with the Contractor offering the lowest price on each item normally up to that Contractor’s maximum quantity allocation and then, in the same manner, successively to other Contractors. When cumulative orders during any month, placed with a lower priced Contractor, equal or exceed 95 percent of its monthly quantity allocation, to avoid the placement of unduly small orders or the splitting of a subsequent order, the Government reserves the right to award the full quantity of the subsequent order to the next lower priced Contractor. In no case will orders be placed with any Contractor in excess of its monthly quantity allocation.

(End of clause)

**552.214-72 Bid Sample Requirements.**

As prescribed in [514.202-4\(a\)\(3\)](#), insert the following provision:

**BID SAMPLE REQUIREMENTS (SEP 1999)**

This provision supplements FAR 52.214-20, which is incorporated by reference. Samples shall be from the production of the manufacturer whose products will be supplied under resultant contracts.

(a) Two bid samples are required for each of the following items in this solicitation:

(b) Two representative samples shall be submitted for each of the following items upon which a bid is submitted:

Items	Acceptable Representative Samples

**NOTE:**

(1) Bidders  are or  are not authorized to re-apply samples being retained by GSA in connection with previous solicitations and/or resultant contracts. When the block “are” is marked by the government, FAR 52.214-20, Alternate II, shall apply.

(2) Bidders who propose to furnish an item or group of items from more than one manufacturer or production point must submit two samples from the production of each manufacturer or production point.

(c) Samples will be evaluated to determine compliance with all characteristics listed below:

Subjective Characteristics	Objective Characteristics

(d) Forward samples addressed to the Sample Room indicated below. Except for samples delivered by U.S. Mail, deliveries will be accepted between the hours of \_\_\_\_\_ Mondays through Fridays, official holidays excluded.

CAUTION: *USE PROPER ADDRESS FOR METHOD OF SHIPMENT SELECTED.*

Mail and Parcel Post	Freight or Express
[Insert Address of Bid Sample Room]	[Insert address of Bid Sample Room]

(End of provision)

**552.215-70 Examination of Records by GSA.**

As prescribed in [514.201-7\(b\)](#) and [515.209-70\(a\)](#) insert the following clause:

**EXAMINATION OF RECORDS BY GSA (FEB 1996)**

The Contractor agrees that the Administrator of General Services or any duly authorized representatives shall, until the expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Subpart 4.7 of the Federal Acquisition Regulation (48 CFR 4.7), whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of the Contractor involving transactions related to this contract or compliance with any clauses thereunder. The Contractor further agrees to include in all its subcontracts hereunder a provision to the effect that the subcontractor agrees that the Administrator of General Services or any authorized representatives shall, until the expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Subpart 4.7 of the Federal Acquisition Regulation (48 CFR 4.7), whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of such subcontractor involving transactions related to the subcontract or compliance with any clauses thereunder. The term “subcontract” as used in this clause excludes (a) purchase orders not exceeding \$100,000 and (b) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(End of clause)