

Supporting Statement

Defense Federal Acquisition Regulation Supplement (DFARS) 215.370 Evaluation factor for employing or subcontracting with members of the Selected Reserve

A. Justification

- 1. Requirement.** This is a request for establishment of a new information collection requirement, to permit implementation of Section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) (copy attached). Section 819 authorizes DoD to use an evaluation factor that considers whether an offeror intends to carry out a contract using employees or individual subcontractors who are members of the Selected Reserve component of the Armed Forces. In addition, Section 819 requires that offeror stating such intent must submit proof for DoD to consider. DoD is proposing amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the statutory provisions.
- 2. Purpose.** For those acquisitions in which acquisition officials decide to use this evaluation factor as one of the several factors normally used to determine award of a contract, the offeror's information will be used as proof of the offeror's intent to use Selected Reserve members in the performance of the contract. This information will be submitted with the offer and will be reviewed and evaluated by the contracting officer or panel of evaluators in determining the successful offeror.
- 3. Information Technology.** Improved information technology will be used to the maximum extent practicable. Where offerors have automated systems that contain the information needed for this requirement, they may submit the information in formats that are compatible with the automated systems.
- 4. Duplication.** As a matter of policy, DoD reviews the FAR and DFARS to determine if adequate language already exists. This information collection implements a DoD-unique statutory provision and does not duplicate any other requirement.
- 5. Small Business.** The information collection associated with small businesses is the minimum consistent with applicable laws, Executive Orders, regulations, and prudent business practices.
- 6. Consequences for noncollection.** The collection is required only when acquisition officials have exercised their discretionary authority to include this criterion as an evaluation factor for award, and then only if an offeror states an intent to use Selected Reserve members in the performance of the contract. Less frequent collection would not permit DoD to evaluate offers in accordance with the provisions of Section 819 of Public Law 109-163.
- 7. Special circumstances.** This collection is consistent with the guidelines in 5 CFR 1320.5(d).
- 8. Public comments and consultation.** Public comments were solicited in the Federal Register, at 72 FR 51209 on September 6, 2007, as required by 5 CFR 1320.8(d). DoD received no comments on the proposed information collection.

9. Payment to respondents. No payment or gift will be provided to respondents.

10. Confidentiality. The information collected will be disclosed only to the extent consistent with internal DoD proposal evaluation procedures. During evaluation, the information will be considered “procurement sensitive” and, if the offeror’s proposal is declared “proprietary” by the offeror, it will be treated as such. No assurance of confidentiality beyond that normally applied to offers is provided to respondents.

11. Sensitive questions. No sensitive questions are involved.

12. Estimate of Public Burden. Based upon the discretionary nature of this evaluation factor, a maximum of 50 acquisitions is expected to employ it annually. The estimated annual cost to the public is as follows:

- a. Number of respondents: 100 (50 acquisitions X 8 offers X 25% with intentions).
- b. Responses per respondent: 1.
- c. Total responses: 100.
- d. Hours per response: 1.
- e. Total hours: 100.
- f. Cost per hour: \$32.50.*
- g. Total public cost: \$3,250.

*Based on the calendar year 2008, GS-09, Step 5 salary plus 32.85 percent burden.

13. Estimated nonrecurring costs. The DoD does not estimate any annual costs burden apart from the hour burdens in items 12 and 14.

14. Estimated cost to the Government. The DoD estimates that it will take the Government 1 hour to review and process the information in each response. The estimated annual cost to the Government is as follows:

- a. Total responses: 100.
- b. Hours per response: 1.
- c. Total hours: 100.
- d. Cost per hour: \$32.50.*
- e. Total Government cost: \$3,250.

*Based on the calendar year 2008, GS-09, Step 5 salary plus 32.85 percent burden.

15. Program changes. This is a new information collection requirement.

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

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

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

B. Collection of Information Employing Statistical Methods.

Statistical methods will not be employed.