

SUPPORTING STATEMENT FOR 2900-0208

VA Form 10-6131, Daily Log (Contract Progress Report — Formal Contract), VA Form 10-6298, Architect — Engineer Fee Proposal and VA Form 10-6001a, Contract Progress Report

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify legal or administrative requirements that necessitate the collection of information.

The Department of Veterans Affairs' Office of Construction and Facilities Management (CFM) manage a multi-million dollar construction program that involves the design and construction of medical centers, and other VA facilities including building improvements and conversions. The actual construction work is contracted out to private construction firms.

a. VA Form 10-6298 (Architect-Engineer Fee Proposal): The use of this form is mandatory for obtaining the proposal and supporting cost or pricing data from the contractor and subcontractor in the negotiation of all architect-engineer contracts for design services when the contract price is estimated to be \$50,000 or more. In obtaining architect-engineer services for research study, seismic study, master planning study, construction management and other related services contracts. A Contract Progress Report is also used but supplemented or modified as needed for the particular project type. (VA Acquisition Regulation 836.606-71, Architect-engineer's proposal and VAAR 853.236-70).

This form also includes the certifications of cost and pricing data as well as the cost accounting standards. The contractor is provided an electronic template of VA Form 10-6298 when the contract is awarded. This form is used to record contract requirements contained in Department of Veterans Affairs (VA) Acquisition Regulation (VAAR) Construction Provisions and Clauses (OMB Approval Number 2900-0422). This form is used on the A/E negotiations for the Schematic Design (SD), Design Development (DD) and Construction document (CD) and construction period service (CPS). Resident Engineers supervise contractors' work and verify the work progression reported by the contractor on the automated VA Form 10-6131, Daily Log – Formal Contract or other agreed upon format before the contractor is paid. The requirement for this information is contained in VA Acquisition Regulation 852.236-79. The Resident Engineers (R/E) review the contractor's Contract Progress Reports and re-enter this data into the Paragon system, thereby creating a supplement or a correction summary to contractor's comments. The Senior Resident Engineer then approves the VA daily summary

b. The Daily Log - Formal Contract or Contract Progress Report (which may be submitted on VA Forms 10-6131 or 10-6001a, depending on the size of the contract) is used to record the data necessary to assure the contractor provides sufficient labor and materials to accomplish the contract work. Contractors are required to guarantee the performance of the work necessary to complete the project. VA Form 10-6131 is used for national contracts and VA Form 10-6001a is used for smaller VA Medical Center station level projects and as an option on major projects before the interim schedule is submitted. VAAR 852.236-79 details what needs to be addressed by the contractor on the Contract Progress Reports. Failure to complete Contract Progress Reports could result in a lawsuit for non-performance and construction delays.

This data exchange is accepted in any agreed upon format. Most firms already have this information available in an existing format. However, if one is not available or it requires more detail, a VA Form 10-6131 or 10-6001a may be used. Submission of a Contract Progress Report (Daily Log) is a standard business practice for construction firms. Therefore, we maintain electronic versions of the

Supporting Statement for 2900-0208, Continued

standardized VA Forms 10-6131 and 10-6001a only for those contractors who prefer to use them. These forms will be available in a fill, save and print format on the One-VA Forms website <http://www.va.gov/vaforms/>.

2. Indicate how, by whom, and for what purposes the information is to be used; indicate actual use the agency has made of the information received from current collection.

a. An architect-engineering (A/E) firm selected for negotiation of a contract with VA is required to submit a fee proposal based on the scope and complexity of the project. Prior to negotiation, VA develops an independent government estimate of the cost for A/E services, based on a detailed analysis of the costs expected to be generated by the work. A VA contracting officer negotiates a contract price considered fair and reasonable based on a comparative study of the independent estimate and the A/E's proposal. At the conclusion of the negotiation, an executed VA Form 10-6298 is included in the contract file and is available for possible future audit. Without this collection of information, there would be no way for VA to determine if the A/E's proposal is appropriate according to the scope and complexity of the individual project, and no basis for contract negotiation.

b. The Contract Progress Report, contractor equivalent, VA Form 10-6131, is used by the contractor to record the data necessary to assure that sufficient labor and materials were used to accomplish the contract work. The data on this form is reviewed when payment issues are being questioned. Since the VA Form 10-6001a is generally used on much smaller projects, the form is submitted at the end of the project and also serves as a billing document.

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.

An electronic template of VA Form 10-6298 is included in the contract file, at the conclusion of negotiation, to record contract requirements. The contractor usually provides updates to information, utilizing the electronic template provided, to fill, save and print documentation. To meet the goal of the Government Paperwork Elimination Act, VA has included a fill, save and print version of VA Forms 10-6131 and 10-6001a on the One VA Forms Internet website <http://vaww.va.gov/vaforms/>. It not cost effective to re-engineer our business processes to accept electronically filled VA Forms 10-6131 and 10-6001a because of we receive so few.

4. Describe effort 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.

There are no known incidents of duplicate information collection. All requests for data are kept to an absolute minimum. Data collection 2900-0422 establishes the regulations under which this information is collected. OMB determined in September 2002 that it doesn't consider 2900-0208 and 2900-0422 as duplicate information collection.

Supporting Statement for 2900-0208, Continued

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

As we will accept construction firm designed forms and we request the minimum amount of data necessary to assure that the contractor provides sufficient labor and materials to accomplish the contract work. The burden is minimized to the extent possible for all businesses; we request only that information which is essential as a basis for contract negotiation and subsequent payment. The burden imposed by this collection is considered a standard business process and is not significant.

6. Describe the consequences 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.

VA Form 10-6298 is submitted once as a proposal and therefore cannot be submitted less frequently. Contract Progress Reports (VA Forms 10-6131 and 10-6001a) must be submitted at regular intervals or we would be unable to assure that data necessary to assure the contractor provides sufficient labor and materials to accomplish the contract work. This could result in a lawsuit for non-performance and construction delays.

7. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare written responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years; in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study and require the use of a statistical data classification that has not been reviewed and approved by OMB.

There are no such special circumstances.

8. a. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the sponsor'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 sponsor in responses to these comments. Specifically address comments received on cost and hour burden.

The notice of Proposed Information Collection Activity was published in the Federal Register on October 15, 2008, (Volume 73, Number 200, Pages 61194-61195). We received no comments in response to this notice.

b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure or reporting format, and on the data elements to be recorded, disclosed or reported. Explain any circumstances which preclude consultation every three years with representatives of those from whom information is to be obtained.

The information is not available from any source other than the A/E firm selected for contract negotiation. We have not had any questions and there are no known concerns with clarity of instructions.

Supporting Statement for 2900-0208, Continued

Outside consultation is conducted with the public through the 60- and 30-day Federal Register notices. No recordkeeping requirements are imposed upon the respondent.

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

No payment or gift is provided to respondents.

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

The Privacy Act is not applicable as there is no system of records or personally identifiable information. The information is identified by company name only. However, completed forms are kept in secured files to protect the A/E firms.

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; include 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.

The VA Form 10-6298 contains questions of a confidential nature because it contains privileged financial and operational data of the A/E firm. This information is necessary to determine whether the firm has the resources to complete the job. The data we collect on VA Forms 10-6131 and 10-6001a does not contain information of a sensitive nature.

12. Estimate of the hour burden of the collection of information:

- a. Annual burden hours are estimated at 5,341 hours.

| VA Form | Respondent | Frequency | Annual Responses x | Min. ÷60 | Burden Hr |
|---------------|------------|-----------|--------------------|----------|-----------|
| Form 10-6131 | 135 | 133 | 17,955 | 12 | 3,591 |
| Form 10-6298 | 50 | 5 | 250 | 240 | 1,000 |
| Form 10-6001a | 150 | 25 | 3,750 | 12 | 750 |
| Annual Total | 335 | 163 | 21,955 | | 5,341 |

b. 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 83-I.

See the estimates for each of the three forms listed in subparagraph 12b.

Supporting Statement for 2900-0208, Continued

c. Provide estimates of annual cost to respondents for the hour burdens for collections of information. 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 14.

The cost to the respondents for completing these forms is \$133,525 (5,341 burden hours x \$25 per hour). We do not require any additional recordkeeping.

13. Provide an estimate of 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).

- a. There is no capital, start-up, operation or maintenance costs.
- b. Cost estimates are not expected to vary widely. The only cost is that for the time of the respondent.
- c. There are no anticipated capital start-up cost components or requests to provide information.

14. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation 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 also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The cost to the Federal Government is estimated at \$126,060.

(1) VA Form 10-6131

| | Responses x | Minutes ÷ 60 | x Salary | Total |
|-----------------------------------|-------------|--------------|----------|-----------------|
| Printing for non-electronic forms | | | | \$50 |
| Processing & Maintenance GS 4/5 | 17,955 | 12 | \$14.43 | \$51,818 |
| TOTAL | | | | \$51,868 |

(2) VA Form 10-6298

| | Responses x | Minutes ÷ 60 | x Salary | Total |
|-----------------------------------|-------------|--------------|----------|-----------------|
| Printing for non-electronic forms | | | | \$50 |
| Independent reviews (GS 13/5) | 250 | 240 | \$42.18 | \$42,180 |
| Review of proposal (GS 13/5) | 250 | 120 | \$42.18 | \$21,090 |
| TOTAL | | | | \$63,320 |

Supporting Statement for 2900-0208, Continued

(3) VA Form 10-6001a

| | Responses x | Minutes ÷ 60 | x Salary | Total |
|-----------------------------------|-------------|--------------|----------|-----------------|
| Printing for non-electronic forms | | | | \$50 |
| Processing & Maintenance, GS 4/5 | 3,750 | 12 | \$14.43 | \$10,822 |
| TOTAL | | | | \$10,872 |

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

There is no change in burden.

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.

There are no plans to publish the results of the information collected.

17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

These VA Forms do not display an expiration date, and if we are required to do so it would result in unnecessary waste of existing stock of the forms. These forms are submitted to OMB for approval every three years. Inclusion of the expiration date would place an unnecessary burden on the respondent (since they would find it necessary to obtain a newer version, while VA would have accepted the old one). VA also seeks to minimize its cost to itself of collecting, processing and using the information by not displaying the expiration date. For the reasons stated, VA continues to seek an exemption that waives the displaying of the expiration date on the VA Forms.

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

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are used in this data collection.