

**SUPPORTING STATEMENT  
FOR PAPERWORK REDUCTION ACT SUBMISSION  
9000-0091, ANTI-KICKBACK PROCEDURES**

**A. Justification.**

1. **Administrative requirements.** Federal Acquisition Regulation (FAR) 52.203-7, Anti-Kickback procedures, requires that all contractors have in place and follow reasonable procedures designed to prevent and detect in its own operations and direct business relationships, violations of section 3 of the Anti-Kickback Act of 1986 (41 U.S.C. 51-58). Whenever prime contractors or subcontractors have reasonable grounds to believe that a violation of section 3 of the Act may have occurred, they are required to report the possible violation in writing to the contracting agency or the Department of Justice.

2. **Uses of information.** The information is used to determine if any violations of section 3 of the Act have occurred.

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 consult with persons outside the agency.** This requirement is being issued under the Federal Acquisition Regulation (FAR) which has been developed to standardize Federal procurement practices and eliminate unnecessary duplication.

5. **If the collection of information impacts small businesses or other entities, describe methods used to minimize burden.** The burden applied to small businesses is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices.

6. **Describe consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently.** Collection of information on a basis other than solicitation-by-solicitation is not practical.

7. **Special circumstances or collection.** Collection is consistent with guidelines in 5 CFR 1320.6.

8. **Efforts to consult with persons outside the agency.** Under the procedures established for development of the FAR, agency and

public comments were solicited and each comment addressed before finalization of the text. A notice published in the *Federal Register* at 74 FR 30093, June 24, 2009. No comments were received.

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

**10. Describe assurance of confidentiality provided to respondents.** This information is disclosed only to the extent consistent with prudent business practices and current regulations.

**11. Additional justification questions of a sensitive nature.** No sensitive questions are involved.

**12 & 13. Estimated total annual public hour and cost burden.** Time required to read and prepare information is estimated at 1 hour per completion.

Estimated respondents/yr.....	100
Responses annually.....x	<u>1</u>
Total annual responses.....	100
Estimated hrs/response.....x	<u>1</u>
Estimated total burden/hrs.....	100
Average wages (\$24 + 75% OH).....x	<u>\$42</u>
Estimated cost to public.....	\$4,200

**14. Estimated cost to the Government.** Time required for Governmentwide review is estimated at 24 hours per response.

Annual Reporting Burden and Cost

Reviewing time/hr.....	24
Responses/yr.....x	<u>100</u>
Review time/yr.....	2,400
Average wages and overhead (\$20/hr. + 100% OH).....x	<u>\$40</u>
Total Government cost.....	\$96,000

**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 burden estimates have been reduced because only about 100 reports are received each year. Reports are reviewed to determine if reasonable grounds exist to conclude that a violation of the Act has occurred.

16. **Outline plans for published results of information collections.** Results will not be tabulated or published.

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.**

Statistical methods are not used in this information collection.