

**JUSTIFICATION FOR 9000-0114  
RIGHT OF FIRST REFUSAL OF EMPLOYMENT**

**A. Justification.**

1. **Administrative requirements.** As prescribed in FAR 7.305(c), Right of First Refusal of Employment is a regulation that establishes policy regarding adversely affected or separated Government employees resulting from the conversion from in-house performance to performance by contract. The policy enables these employees to have an opportunity to work for the contractor who is awarded the contract.

2. **Uses of information.** The information gathered is used by the Government to gain knowledge of which employees, adversely affected or separated as a result of the contract award, have gained employment with the contractor within 90 days after contract performance begins.

3. **Consideration of information technology.** We use improved information technology to the maximum extent practicable. FAR clause 52.207-3 requires contractors to report to the contracting officer the names of individuals identified on the list who are hired within 90 days after contract performance begins. This report may be transmitted either electronically or by "paper" mail to the respective contracting officer within 120 days after contract performance begins. It is in the contractor's discretion to submit the list via electronic methods or paper.

4. **Efforts to identify duplication.** This requirement is being issued under the Federal Acquisition Regulation (FAR) that 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.** Similar information is not already available to the contracting officer or buyer.

7. **Special circumstances for collection.** Collection of information on a basis other than solicitation-by-solicitation is not practical. 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. A notice published in the *Federal Register* at 74 FR 58629, on November 13, 2009. No comments were received.

9. **Explanation of any decision to provide any payment or gift to respondents, other than re-enumeration 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 for 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 3 hours per completion. The government does not have information system which monitors and tracks A-76 procurements. Therefore, the impact of how this clause affects contractors is not known. The estimate is truly a guesstimate and is based on previous OMB clearance data with an inflation of approximately 15% added each year since 2000 (the date the last clearance was approved). Therefore, increasing from 130 (in 2000) to 200 (in 2003).

Annual Reporting Burden

Estimated respondents/yr.....	304
Responses annually.....	<u>x 1</u>
Total annual responses.....	304
Estimated hrs/response.....	<u>x 3</u>
Estimated total burden/hrs.....	912

Annual Recordkeeping Burden

Number of recordkeepers.....	170
Annual hours per recordkeeper.....	<u>x .5</u>
Total recordkeeping burden hours.....	85

Annual Cost to the Public

Total response and record-keeping burden hours.....	685
Average wages (11/10)+overhead (\$30/hr + 75% OH).....	x \$52
Total cost to the public.....	\$35,652

14. **Estimated Cost to the Government.** Time required for Government-wide review is estimated at .5 hours per response.

Annual Reviewing Burden and Cost

Total annual responses.....	304
Review time per response.....	x .5
Total burden hours.....	152
Average wages(11/10) + overhead (\$30/hr + 100% OH)...	x \$60
Total Government cost.....	\$9120

15. **Explain reasons for program changes or adjustments reported in Item 13 and 14.** This submission requests an extension of OMB approval of an information collection requirement in the FAR. The information collection requirement in the FAR increased due to expected anticipation that the Government's A-76 procurement will increase because of the OMB mandated Government-wide Sourcing Goals.

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. Collection of Information Employing Statistical Methods.**

Statistical methods are not used in this information collection.