

Paperwork Reduction Act (PRA)/Information Collection Burden (ICB) Supporting Statement

2700- 0124, March 2009

A. Justification.

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

In several past investigations, the Office of Inspector General (OIG) identified vulnerabilities to fraud, waste, and abuse relating to questionable practices in the performance of NASA Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) contracts. We believe that a contributing factor to these problems is the weak SBIR/STTR Program contractor certification requirements that NASA had in place prior to approval of this information collection. NASA's SBIR/STTR Program solicitations previously required that offerors submit certifications with their proposals prior to contract award attesting that they are compliant with the program's requirements. This collection requires contractors to recertify their compliance after contract award., specifically at time of request for final payment. This requirement permits NASA to hold SBIR/STTR contractors accountable for meeting program requirements and to pursue cases against some SBIR/STTR contractors for criminal and/or civil violations when warranted.

This action is to renew approval of the information collection associated with NASA FAR Supplement (NFS) clause 1852.219-85, which requires SBIR/STTR contractors to complete and submit a recertification of SBIR/STTR Program compliance prior to final payment. Requiring a recertification as a condition to final payment facilitates the Government's ability to hold SBIR/STTR contractors accountable for complying with Federal statute, regulation, and program and contract requirements.

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

The re-certification is used by NASA Contracting Officers and SBIR/STTR program officials to ensure that SBIR/STTR contractors have complied with the SBA program requirements in the performance of their contracts. Also, the recertifications assist the NASA OIG in pursuing cases and prosecuting SBIR/STTR contractors who have knowingly and willfully violated program requirements in the performance of their contracts.

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. Also describe any consideration of using information technology to reduce burden.

The SBIR/STTR contractor may submit the required recertification electronically, unless the cognizant NASA Contracting Officer requires the recertification to be submitted via hard copy.

4. Describe efforts to identify duplication.

There is no other information currently being collected that could be used for this purpose.

5. If the collection of information impacts small businesses or other small entities (Item five of form OMB 83-I, the Paperwork Reduction Act Submission form), describe any methods used to minimize burden.

This recertification requirement is required only from small businesses as only small businesses may participate in the SBIR/STTR program. Furthermore, the recertification is specific to the contractor meeting the criteria to qualify as a small business and otherwise meet eligibility requirements for participation in the program. All efforts have been made to make the recertification simple and the burden is considered negligible.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The lack of a recertification requirement would make it difficult to hold SBIR/STTR contractors accountable for meeting Program requirements and has hampered the NASA OIG's ability to pursue cases against some SBIR/STTR contractors for criminal and/or civil violations when warranted.

This action is to renew the approval of an information collection requirement for SBIR/STTR contractors to complete and submit a recertification of SBIR/STTR Program compliance prior to final payment, in accordance with the NASA FAR Supplement 1852.219-85. Requiring a recertification as a condition to final payment facilitates the Government's ability to hold SBIR/STTR contractors accountable for complying with Federal statute, regulation, and program and contract requirements.

7. Explain any special circumstances that would cause an information collection to be conducted in certain manners (as listed).

Not applicable.

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 before submission to OMB.

See attached Federal Register notices. No comments on the collection were received.

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

Not applicable.

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

The required recertification will be retained in the official contract file as a routine contract deliverable. The information is not considered confidential. Business size and eligibility to meet the criteria for small business awards (such as number of employees, total annual sales, business type NAIC code, etc.) is public information. Contractor's certification that the same research conducted under the SBIR/STTR has not been billed/claimed under another Federal contract, and that the primary researcher disclosed to the Government is the individual who performed the work is, likewise, not considered sensitive information affording other than customary protection methods.

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.

Not applicable.

12. Provide estimates of the hour burden of the collection of information.

The public burden for obtaining recertification prior to final payment from the SBIR/STTR contracts is estimated to be 211.5 hours. The estimated burden has been calculated as follows:

Certification (1 required per contract).....	423
Hours per certification.....x	0.50 (30 minutes)
Certification Burden.....	211.5 hours

The estimated number of certifications shown above is based upon the number of SBIR/STTR awards in FY 2008, the last period for which final numbers are available. NASA issued 423 SBIR/STTR awards in 2008, and the number of awards remains fairly consistent from year to year. The recertification will occur once per contract and the amount of time the contractor is expected to spend collecting this information is no more than 30 minutes. The information to be certified is information which is readily available in the the contractor's records.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

The hourly rate is estimated at the equivalent of a GS-12, step 5, Federal employee. This level represents the skill and experience of an individual responsible for compiling costs and certifications for invoice preparation on the contractor's behalf. The loaded labor rate of \$32.25 is taken from the Office of Personnel Management General Schedule Pay Table for 2009.

There is no real cost to the SBIR/STTR contractors associated with this collection as all the time spent preparing the recertification is a cost of doing business usually found in the companies' direct or indirect expenses and reimbursable under the contract.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses, and any other expense that would not have been incurred without this collection of information.

Certification/Final Invoice (1 required per contract)	423
Hours per review of each invoice/certification	1
Certification/Final Invoice Burden	423 hours
Average Hourly Rate for COTR and CO (GS-13/GS-14)	<u>\$39.98</u>
Average Annual Cost	\$16,912

The contractors' certifications are reviewed by the Contracting Officer's Technical Representative and the Contracting Officer, with each spending approximately 30 minutes in the review process, for a total of one hour of Government review time. The individuals are generally GS-13s or GS -14s, so for estimating purposes, the hourly rate of \$39.98 was used. This is the loaded labor rate for a GS-14, step 1, taken from the Office of Personnel Management's General Schedule Pay Table for 2009. Total annualized cost to the Government as a result of this collection is \$16,912 (\$39.98 x 423 hours).

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

Not applicable.

16. For collections of information intended for publication, outline plans for tabulation and publication.

Not applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display may 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 83-1.

Not applicable.

B. Collections of Information Employing Statistical Methods.

Not applicable.

