

Supporting Statement for Department of Veterans Affairs (VA)
Acquisition Regulation (VAAR) Clause 852.211-77, Brand Name or Equal,
OMB No. 2900-0585

A. Justification

1. This Paperwork Reduction Act (PRA) submission seeks an extension of Office of Management and Budget (OMB) approval No. 2900-0585 for collection of information for both commercial and non-commercial item, service, and construction solicitations and contracts for clause 852.211-77, Brand Name or Equal. The clause number has been changed from 852.210-77 to 852.211-77 with no other changes.

2. VAAR clause 852.211-77, Brand Name or Equal, advises bidders or offerors who are proposing to offer an item that is alleged to be equal to the brand name item stated in the bid, that it is the bidder's or offeror's responsibility to show that the item offered is in fact, equal to the brand name item. This evidence may be in the form of descriptive literature or material, such as cuts, illustrations, drawings, or other information. While submission of the information is voluntary, failure to provide the information may result in rejection of the firm's bid or offer if the Government cannot otherwise determine that the item offered is equal. The information will be used by the contracting officer to evaluate whether or not the item offered meets the specification requirements.

3. Collection efforts do not involve the use of automation. Offerors are required to provide specific information, unique to the product that they are offering, to show how that product is equal to the brand name product requested. The information is specific to that particular bid and collection of that information cannot be automated.

4. There are no duplicated efforts. Each reporting situation is unique and the data that must be submitted is unique to the product being offered for sale to the Government.

5. There is no significant impact on small businesses.

6. Failure to collect the information would have a negative impact on the offeror. It is the offeror's responsibility to show how its product is equal to the brand name product specified in the solicitation. If the offeror fails to provide the required evidence, its offer might be rejected.

7.

a. The information is needed for each produce offered rather than quarterly. The information is specific to the product offered and unique to that particular solicitation.

b. The information is submitted for each produce offered. The time for response is the same as the time for submission of the quotation or offer, which may be fewer than 30 days, especially for lower dollar value solicitations or for commercial items. The information is normally standard company brochures and product descriptions and does not require any preparation.

c. Only one original is required.

d. There are no records retention requirements.

e. This is not a statistical survey.

f. This does not require the use of statistical data classification.

g. This does not include a pledge of confidentiality.

h. This does not require the submission of proprietary information.

8. Notice regarding use of this clause in all applicable solicitations was published in the Federal Register on March 2, 2010, pages 9489-9490. There were no comments received.

9. No payments or gifts will be provided.

10. No assurances of confidentiality will be provided to respondents.

11. The request for information does not include any questions of a sensitive nature.

12.

a. Estimated number of respondents: 10,000.

b. Estimated frequency of responses: One response for each solicitation for which a firm is offering an "equal" product.

c. Estimated average burden per collection: 10 minutes.

d. Estimated total annual reporting burden: 1,666 hours.

e. Estimated annualized cost: \$12,495 (1,666 hours at \$15 per hour).

13.

a. There are no capital costs or operating or maintenance costs.

b. Costs are not expected to vary widely.

c. There are no equipment costs.

14. Estimated annualized cost to the Government: \$2,801.67 (1,666 hours at \$10 per hour plus \$25 printing costs). The information is evaluated upon receipt. If acceptable, no further action is required. Although printing costs are shown, there would be no savings from elimination of this clause, as the clause is included as part of an entire solicitation package and elimination of this one clause would not eliminate any pages from the solicitation.

15. There are no program changes.

16. The results will not be published.

17. This request seeks approval to not display the expiration date for OMB approval. This is an on-going requirement. VA has a continuing need for this information in order to evaluate products that the offeror claims to be equal to the brand name product specified. VA expects to continue use of this clause indefinitely and an expiration date would only tend to confuse the public.

18. This submission does not contain any exceptions to the certification statements.

B. Collection of Information Employing Statistical Methods:

Statistical methods will not be employed.