

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
OMB Control No. 9000-0089, REQUEST FOR AUTHORIZATION OF
ADDITIONAL CLASSIFICATION AND RATE, STANDARD FORM 1444**

A. Justification.

1. This justification supports a request to reinstate requirements cleared under OMB control numbers 1215-0140, 1215-0149, and 1215-0017 for 29 CFR 5.5(a)(1)(i), 5.5(c), and 5.15 (records to be kept by employers under the Fair Labor Standards Act (FLSA), 29 CFR 516, which is the basic recordkeeping regulation for all the laws administered by the Wage and Hour Division of the Employment Standards Administration). The regulation, 29 CFR 516, prescribes labor standards for federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts (DBRA), as well as labor standards for nonconstruction contracts subject to the Contract Work Hours and Safety Standards Act (CWHSSA).

Under FAR 22.406-3, additional classifications, if any laborer or mechanic is to be employed in a classification that is not listed in the wage determination applicable to the contract, the contracting officer, pursuant to the clause at **52.222-6**, Davis-Bacon Act, shall require that the contractor submit to the contracting officer, **Standard Form (SF) 1444**, Request for Authorization of Additional Classification and Rate, which, along with other pertinent data, contains the proposed additional classification and minimum wage rate including any fringe benefits payments.

Upon receipt of SF 1444 from the contractor, the contracting officer shall review the request to determine if it meets the criteria in FAR 22.406-4(b), and if appropriate, follow the procedures in FAR 22.406(c).

SF 1444 places no further burden on the contractor or the Government other than the information collection burdens already cleared by OMB for 29 CFR 5.

2. Uses of information. The information contained on SF 1444 will be transmitted to the Department of Labor (DoL) for review by their wage and hour division to determine the appropriateness of the request (29 CFR 5.5(a)(2)(ii)).

3. Consideration of information technology. Use of improved information technology in obtaining bids, offers, or quotations in response to Government solicitations is not appropriate at this time.

4. Efforts to identify duplication. 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 for collection. Collection is generally 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 75 FR 68608, on November 8, 2010. No comments were received.

9. Explanation of any decision to provide any payment or gift to respondents, other than re-numeration of contractors or guarantees. No such payments or gifts are contemplated.

10. Describe assurance of confidentiality provided to respondents. This information is disclosed only to the extent consistent with prudent business practices and current regulations. No sensitive questions are involved.

11. Additional justification for questions of a sensitive nature. Integrity in contracting is of critical importance, and it is necessary for contractors to report Recovery Act funds. Information of a classified nature and reporting for individual awards are exempt from the reporting requirements.

12. Estimated total annual public hour burden. The public hour the burden for the collection requirements of SF 1444 were previously cleared under OMB control number 9000-0089. However, there is an additional burden beyond that contemplated by the Department of Labor clearance.

In accordance with DoL, for 2009, the wage and hour division received 2599 SF 1444s.

Respondents:	<u>2599</u>
Responses per Respondent:	<u>X 1</u>
Total Responses:	2599
Average Burden Hours Per Response:	<u>X .5</u>
Total Burden Hours:	1300

13. Estimated total annual public cost burden. The public cost the burden hours for the collection requirements of SF 1444 were previously cleared under OMB control number 9000-0089. The information collection requirement in the FAR remains unchanged. However, there is no additional burden beyond that contemplated by DoL clearance.

14. Estimated cost to the Government. Under the collection, costs to the Government include cost necessary to record the submitted SF 1444 and Government to prepare a response to the request based on the number of SF 1444's received by DoL for 2009. It is estimated that the recording and response time for the Government action is 1.5 hours. It is estimated that the cost is based on the average hourly wage salary of GS 13, plus 100% overhead.

Responses/yr	2599
Recording and time (hour)	<u>X 1.5</u>
Review time/yr	3898.5
Average wages \$33/hr. + 32.85% OH)	<u>X \$44</u>
Total Government cost	\$171,534

15. Explain reasons for program changes or adjustment reported in Item 13 or 14. The current program information for SF 1444 expired 4/30/2005. The latest information adjusts the responses upward to 2599 per year based on DoL's 2009 records, and provides a more realistic estimate of the cost to Government as provided in item 14 above.

16. Outline plans for published results of information collection. Results of this information collection will be published made available to the public.

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.