

DEPARTMENT OF TRANSPORTATION

SUPPORTING STATEMENT:

UNIFORM REPORT OF DBE AWARDS AND COMMITMENTS AND OTHER DBE PROGRAM COLLECTIONS 49 CFR Part 26

OMB Control Number 2105-0510

This supporting statement is associated with a request for a reinstatement (with change) of an existing information collection. The delay in renewing the PRA clearance for this collection is due primarily to a high-priority rulemaking in the DBE area that has occupied the attention of DBE staff during 2010. While there is an increase in the number of responses, the Department anticipates a decrease in burden hours resulting from the greater use of electronic reporting in FAA and FTA. At a rough estimate, this would save respondents an ½ hour per report.

A. Justification

1. Circumstances that make the collection of information necessary.

The Department of Transportation's (DOT) Disadvantaged Business Enterprise (DBE) program is mandated by statute, including SAFETEA-LU (Public Law 109-59) and 49 U.S.C. 47113. The Department's final regulation implementing these statutes is 49 CFR 26. The program is implemented primarily by recipients of DOT financial assistance (state highway agencies, transit authorities, and airports). To carry out its oversight responsibilities, the Department must obtain information from the recipients about the DBE participation they obtain in their programs. This information collection supports DOT's strategic goal of mobility and organizational effectiveness by ensuring that state and local recipients carry out their mandated responsibility to provide a level playing field for small businesses owned and controlled by socially and economically disadvantaged individuals.

2. How, by whom, and for what purposes are the information collections to be used?

DOT Form 4630 must be submitted annually by each sponsor having an approved DBE program. The report form is collected from recipients by the Department's Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA), and is used to enable DOT to conduct program oversight of recipients' DBE programs and to identify trends or problem areas in the program. FTA and FAA use an electronic collection system. FHWA uses primarily paper collection, though it is moving toward an electronic system based on that of FAA.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic technology.

Most recipients already use computer systems for many of these information collection tasks, such as the reporting requirements on the achievements of DBE firms in contract awards. FAA has developed an electronic system called the DBE Office Online Reporting System (DOORS)

(<https://www.faa.gov/secure/doors/>) that airports now use for reporting DBE achievements. Since our last submission in 2007, FTA implemented the Transportation Electronic Awards and Management (TEAM) system to receive reporting data (<http://ftateamweb.fta.dot.gov/fta-flash2b.html>). FHWA is considering adapting a similar system to their program. All modes are encouraging recipients to reduce burden on contractors through the use of electronic filing of contract- and DBE-related information (e.g., good faith efforts, certification). In future rulemakings, the Department intends to work on further clarifications of the form to make reporting easier and less burdensome.

4. Identify efforts to eliminate duplication

The form does not have duplicative information on it. The Unified Certification System is still in effect, though since it relates to certification rather than DBE commitments and achievements, it is not directly involved with the form. The “lead agency relationship” likewise is still in place, though since it has to do with DBE program documents rather than records of awards and commitments, it is also not directly involved with the form. Some recipients may also collect similar information for their own purposes, but the extent of this collection is not known.

5. Minimizing information collection burden on small businesses and other small entities.

FTA and FAA have funding thresholds that exempt their smaller recipients from the DBE program requirements, including this report. As noted above, reporting frequencies are only annual or semi-annual. The information on these matters is found in the DOT DBE regulation (see sec. 26.21 and Appendix B).

6. Describe the consequences to Federal program or policy activities if the collections are not conducted or are conducted less frequently.

Without this information collection, there would be no way to determine whether the program’s objectives were being met, it would be impossible to determine whether the program was being administered consistent with legal and constitutional requirements, and there would be no accountability for any participants. This would be a really bad idea.

7. Explain special circumstances that would cause the information collections to be inconsistent with 5 CFR 1320.5.

These information collection requirements are consistent with this and other applicable laws and regulations.

8. Compliance with 5 CFR 1320.8.

A 60-day notice was published in the Federal Register on February 2, 2010 (75 FR 5369). No comments have been received concerning the notice.

9. Explain any decision to provide payment or gifts to respondents.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents.

The information provided in this report is aggregated data that does not involve confidential information.

11. Provide additional justification for any questions of a sensitive nature.

Not applicable.

12. Provide estimates of burden hours.

Affected Public: DOT financially-assisted state and local transportation agencies

Number of Respondents: 1,250

Frequency of response: once/twice a year

Estimated Total Burden on Respondents: 9,000 hours

Approximately 550 respondents prepare two reports per year; approximately 700 recipients prepare one report per year. Estimating 5 hours per report, this gives us the 9,000 hour figure.

13. Provide an estimate of the total annual cost burden to respondents not reported in other items.

Information not available, as costs to recipients for report are not broken out in any way that allows the Department to identify costs specific to this task.

14. Provide annualized estimates of costs to the Federal government.

The Department estimates that its tasks related to the information requirements cited in this request that are submitted to us for review (i.e., report of accomplishments) will result in 1,800 hours (i.e., assuming an hour or staff review time for each report). Assuming the reports are reviewed by a mid-level GS-13 @ \$48.51/hr, the Federal cost of review would be \$87, 318.

15. Explain the reasons for any program or adjustments reported in Items 12, 13 or 14 above.

Since the last submission in 2007, FTA implemented an electronic system of reporting called TEAM. There is an increase in the number of responses; however, the Department anticipates a decrease in burden hours resulting from the greater use of electronic reporting in FAA and FTA. While the same information would be collected and reported, it should take transit and airport grantees less time to actually fill out and transmit reports because data will not have to be transferred to paper and mailed. At a rough estimate, this would save approximately 1,250 recipients ½ hour per report, which would result in a reduction of 625 hours.

16. For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis, and publication.

Not applicable.

17. Approval not to display the expiration date for OMB approval of an Information Collection.

Not applicable.

18. Exception to certification statement.

Not applicable.