

Pre-Award and Post-Delivery Review Requirements

A. Justification Statement

1. Circumstances that make the collection necessary.

Summary of Submission:

This submission is being amended to correct the number of respondents shown in ROCIS. The previous ROCIS entry was 3 respondents. That number was submitted in error and should have been entered as 700 respondents. The correct number of respondents was already included in the justification statement. No adjustment is required for the justification statement.

FTA is providing a Federal Register notice dated November 2, 2010, entitled “Federal Fiscal Year 2011 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements” which includes sample certification language that is available to grantees for use in completing the Buy America requirements.

This is a request for continuation of a current approval and to estimate the burden of specific certification requirements on federally-supported purchases of transit rolling stock. In this request we are seeking OMB approval for two audit certifications (the Buy America Pre-Award and Post-Delivery audits), which must be completed by recipients of Federal Transit Administration (FTA) funds procuring transit rolling stock (vehicles intended for the transportation of fare-paying passengers).

Section 5323(j) of Title 49 USC requires recipients of FTA funds to comply with Buy America requirements when procuring steel, iron, and manufactured products using FTA financial assistance. Section 5323(m) requires recipients to conduct pre-award and post-delivery reviews to ensure that rolling stock procured with FTA funds complies with Buy America requirements, Federal Motor Vehicle Safety Standards (FMVSS), and the procurement specifications. Vendors must complete the Buy America certification forms found at 49 CFR 661.6 and 49 CFR 661.12.

2. How, by whom, and for what purpose the information is to be used.

The Pre-Award and Post-Delivery certification processes are used by FTA grantees and vendors to ensure that the products purchased with FTA funds comply with the applicable statutory and regulatory requirements. This assurance of compliance is necessary because Congress requires FTA recipients to comply with Buy America in their procurements and to confirm compliance by reviewing documentation. FTA, in turn, may review the audit reports and supporting documentation to confirm compliance, particularly in response to an allegation of non-compliance.

3. Describe to what extent the collection of information involves information technology and the use of information technology to reduce the burden.

The information is collected and maintained by the recipient. FTA will review the documentation during its triennial reviews of the recipient's FTA projects or if there is an issue concerning a procurement for rolling stock. Information technology does not have a significant impact on burden reduction.

4. Describe efforts to identify duplication.

There is no duplication because the information requested is not required by any other source or for any other purpose but for the two audits.

5. Describe methods used to minimize burden on small business or other small entities.

Grantees are not required to verify the accuracy of the data submitted by the manufacturer's data absent an allegation of non-compliance. The reporting burden is limited to a review of the compliance certifications and supporting documentation. This review process is minimal and not expected to vary significantly among recipients.

6. Consequences to the federal program or policy activities if collection were conducted less frequently.

To comply with statutory Buy America requirements, the information must be collected every time a recipient of FTA funds procures rolling stock.

7. Special circumstances that would cause an information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

The collection is consistent with 5 CFR 1320.6.

8. Efforts to consult with persons outside the agency to obtain their views.

A 60-day Federal Register notice was published on September 2, 2010 (pages 53999 and 54000), soliciting comments prior to submission to the Office of Management and Budget (OMB). No comments were received in response to that notice. A 30-day Federal Register notice was published on December 8, 2010 (pages 76517 and 76518).

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

No gifts or payments are made to respondents.

10. Describe any assurance of confidentiality provided to respondents.

The Buy America certification form does not require the disclosure of any confidential information. It is a certification of compliance with the requirements. The audit documents must provide country-of-origin information sufficient to demonstrate that at least 60% of the vehicles' components, by cost, are manufactured in the United States. Since FTA does not take physical possession of the audit documents, they are not subject to FOIA, and FTA does not require recipients to release the contents to third parties.

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

There are no questions of a sensitive nature.

12. Provide estimate of the hour burden of the information collection and annualized cost to respondents.

a. The hourly burden

The burden for the Pre-Award/Post-Delivery certification is approximately 10 minutes and for the Pre-Award and Post-Delivery procurement certifications an hour each, for a total of 2.16 hours (2.16 x 700 procurements = 1,512 hours).

The recordkeeping burden per procurement is approximately 10 minutes (.16 hours x 700 procurements = 112 hours). In addition, manufacturers submit information to the grantees on their Buy America breakout which takes approximately 1.66 hours to review (1.66 hours x 700 procurements = 1,162 hours). The reviews could take up to 3 hours if the manufacturers have to be contacted because they did not submit adequate information. The total annual burden is estimated as follows:

1,512 hours (certifications) + 112 hours (recordkeeping) + 1,162 hours (Buy America reviews) = 2,786 hours.

b. Estimated annual cost

Using a rate of \$36.50 for an hourly rate to the grantee, the total annual cost is estimated to be \$101,689 (\$36.50 x 2,786 hours).

13. Estimate of total annual cost burden to respondents or recordkeepers resulting from the collection of information (not including the cost of any hour burden shown in Items 12 and 14).

There are no additional costs beyond that shown in Items 12 and 14.

14. Estimates of annualized cost to the federal government.

There is no estimated annual cost to the federal government. Neither FTA nor any other federal agency is required to review, receive, file, or retain certifications.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.

There are no changes from the previous request.

16. Plans for tabulation and publication for collections of information whose results will be published.

None of the information collected will be used for statistical purposes.

17. If seeking approval not to display the expiration date for OMB approval, explain the reasons.

There is no reason not to display the OMB approval.

18. Explain any exception to the certification statement identified in Item 19 of OMB Form 83-I.

No exceptions are stated.

B. Collections of information employing statistical methods.

Not applicable.