

Supporting Statement for Department of Veterans Affairs (VA)
Acquisition Regulation (VAAR) Section 809.106-1, Paragraph (d) of
VAAR Section 809.504, and VAAR Clause 852.209-70
OMB No. 2900-0418

A. Justification

1. This Paperwork Reduction Act (PRA) submission requests the extension of Office of Management and Budget (OMB) approval No. 2900-0418 for collections of information required by Department of Veterans Affairs Acquisition Regulation (VAAR) section 809.106-1, Conditions for preaward surveys, paragraph (d) of section 809.504, Contracting officer's responsibilities, and VAAR clause 852.209-70, Organizational conflicts of interest.

2. VAAR section 809.106-1 requires the contracting officer to ask a firm being considered for award of a contract for bakery, dairy, or ice cream products or for laundry or dry cleaning services whether or not the firm's plant has recently been inspected by another Federal agency and, if so, which agency. The information is used by the contracting officer to determine whether or not a separate inspection of the firm's plant must be conducted by VA prior to contract award. Paragraph (d) of VAAR section 809.504 and VAAR clause 852.209-70 require offerors on solicitations for management support and consulting services to advise, as part of the firm's offer, whether or not award of the contract to the firm might involve a conflict of interest and, if so, to disclose all relevant facts regarding the conflict. The information is used by the contracting officer to determine whether or not to award a contract to the firm or, if a contract is to be awarded despite a potential conflict, whether or not additional contract terms and conditions are necessary to mitigate the conflict.

3. Collection efforts generally do not involve the use of automation. Offerors are required to provide specific information, unique to the particular solicitation. However, information on inspections of dairy and ice cream plants is automated and is available on the Web. Information would not be requested from an offeror for dairy or ice cream products if the offeror's plant is listed on the Web site.

4. There are no duplicated efforts. Each reporting situation is unique and the data that must be submitted is unique to the particular solicitation.

5. There is no significant impact on small businesses.

6. Failure to collect the information could have a negative impact on both the offeror and VA. Without information on recent plant inspections covered by VAAR section 809.106-1, the offeror might be subjected to an unnecessary plant inspection and VA might have to expend the time and effort to conduct an unnecessary plant inspection.

Without the information on potential conflicts of interest required by VAAR section 809.504(d) and VAAR clause 852.209-70, the offeror might be subject to civil or legal

penalties for seeking a contract that involved a conflict of interest and VA might not receive full benefits for award of such a contract.

7.

a. The information is needed for each offer rather than quarterly. The information is specific to and unique to that particular solicitation.

b. The information is submitted with each offer. The time for response is the same as the time for submission of the offer, which may be fewer than 30 days, especially for lower dollar value contracts. Generally, 30 days are allotted for responses.

c. Only one copy of the information 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. However, if requested by the contractor, VA will agree to protect the material from unauthorized disclosure. The information would be subject to and protected by the Freedom of Information Act.

h. This does not require the submission of proprietary information. However, should a contractor believe the information is proprietary, VA will agree to protect the material from unauthorized disclosure in accordance with the Freedom of Information Act.

8. Notice regarding use of this clause in all applicable solicitations was published in the Federal Register on January 14, 2011 at page 16044. There were no comments received in response to this notice.

9. No payments or gifts will be provided.

10. No assurances of confidentiality will be provided to respondents. However, should a contractor believe the information is proprietary, VA will agree to protect the material from unauthorized disclosure in accordance with the Freedom of Information Act.

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

12.

a. VAAR section 809.106-1:

(1) Estimated number of respondents: 600.

- (2) Estimated frequency of responses: 1 response per solicitation.
 - (3) Estimated average burden per collection: 3 minutes (.05 hour).
 - (4) Estimated total annual reporting burden: 30 hours.
 - (5) Estimated annualized cost: \$450.00 (30 hours at \$15 per hour).
- a. Paragraph (d) of VAAR section 809.504 and VAAR clause 852.209-70:
- (1) Estimated number of respondents: 1,000.
 - (2) Estimated frequency of responses: 1 response for each solicitation.
 - (3) Estimated average burden per collection: 1 hour.
 - (4) Estimated total annual reporting burden: 1,000 hours.
 - (5) Estimated annualized cost: \$15,000 (1,000 hours at \$1 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:
- a. VAAR section 809.106-1: \$100 (10 hours at \$10 per hour).
 - b. Paragraph (d) of VAAR section 809.504 and VAAR clause 852.209-70: \$5,000 (500 hours at \$10 per hour to evaluate the information provided).
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 award contracts. VA expects to continue use of these VAAR sections and this VAAR 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.