

Supporting Statement for Department of Veterans Affairs (VA)  
Acquisition Regulation (VAAR) Clause 852.236-91, Special Notes  
Approved OMB Control No. 2900-0623

A. Justification

1. This Paperwork Reduction Act (PRA) submission requests the extension of Office of Management and Budget (OMB) approval No. 2900-0623, Department of Veterans Affairs Acquisition Regulation (VAAR) clause 852.236-91, Special Notes. This clause requires the bidder, at the request of the contracting officer, to furnish information on the bidder's previous experience, organization, technical qualifications, financial resources, and facilities available to perform the work. Generally, this information is requested only from the one bidder in line for award. In addition, this clause requires contractors who want to submit a claim for weather delay to also submit climatological data covering the period of the claim and covering the same period for the 10 preceding years.

2. The information on the bidder's previous experience, organization, technical qualifications, financial resources, and facilities available to perform the work is necessary to assist the contracting officer in evaluating the bidder's qualifications and responsibility. The information on climatological data covering the period of the claim and covering the same period for the 10 preceding years is necessary to assist the contracting officer in evaluating a contractor's claim for contract price adjustment based on severe weather.

3. Collection efforts do not involve the use of automation. The information required is specific and unique to each solicitation.

4. There are no duplicated efforts. Only up-to-date information on the bidder's previous experience, organization, technical qualifications, financial resources, and facilities available to perform the work, in the case of a pending contract award, or information on climatological data covering the period of the claim and covering the same period for the 10 preceding years, in the case of a claim for weather-related delays or damages, is acceptable.

5. There is no significant impact on small businesses.

6. Failure to collect the information on bidder qualifications would have a negative impact on VA's ability to evaluate a bidder's qualifications to perform the contract. It could result in award of a contract to a firm that is not qualified to, or is unable to, perform the work. Failure to collect the information on climatological data could result in VA's rejecting a valid claim for weather delays or accepting an invalid claim for such delays.

7.

a. The information is needed with each solicitation or each claim rather than quarterly. The information is specific to a particular bidder or claim. The information on bidder qualifications is only required once for the low bidder for each solicitation. The information on climatological data is only required once from each contractor for each claim for weather-caused delays.

b. The information on bidder qualifications is submitted by the low bidder for each construction contract solicitation. The information on climatological data is submitted for each claim for weather-caused delays.

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 construction contract solicitations was published in the Federal Register on January 14, 2011, at page 2762. 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.

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

12.

a. Estimated number of respondents: 1,516 low bidders submitting qualifications data and 20 contractors submitting weather-related claims. The low bidder estimate is based on FPDS data indicating that VA awarded 1,516 contracts for construction exceeding \$25,000 in FY 2003. This is a significant increase over the estimated number of respondents in the prior request.

b. Estimated frequency of responses: Once for qualifications data for each low bidder on a construction solicitation and once for climatological data for each weather-related claim.

c. Estimated average burden per collection: 30 minutes for each low bidder for qualifications data and 60 minutes for climatological data for each claim.

d. Estimated total annual reporting burden: 778 hours (758 hours for qualifications data, 20 hours for weather data).

e. Estimated annualized cost: \$27,230 (778 hours at \$35 per hour, estimated salary rate, including benefits, based on the likelihood that an individual at a level similar to a GS-11, Step 5, VA contracting officer would be primarily involved with furnishing this information. Submission would also involve some management oversight at a higher level and some clerical work at a lower level. We believe this salary level is a reasonable average.)

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: \$27,230 (778 hours at \$35 per hour, salary rate, including benefits, based on the average GS-11 grade for VA contracting officers). The information is evaluated upon receipt and a decision is made based on the data.

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. There is a continuing need for this clause for use in VA construction contracts. VA expects to continue use of this clause indefinitely and an expiration date would only tend to confuse the public. The number will be published in 48 Code of Federal Regulations, Chapter 8, the VAAR.

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.