

SUPPORTING STATEMENT
HOMELAND SECURITY ACQUISITION REGULATION (HSAR)
SOLICITATION OF PROPOSAL INFORMATION FOR AWARD OF
PUBLIC CONTRACTS
(OMB No. 1600-0005)

A. JUSTIFICATION.

1. Circumstances Making the Collection of Information Necessary

The Department of Homeland Security (DHS) and the Office of the Chief Procurement Officer (OCPO) collect information when inviting firms to submit bids, proposals, and offers for public contracts for supplies and services. The information collection is necessary for compliance with the Federal Acquisition Regulation (FAR); 48 CFR Chapter 1, the Federal Property and Administrative Services Act (Division C of Title 41), under the Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) programs 15 U.S.C 628. Division C Title 41 does not apply to the U.S. Coast Guard. However, Title 41 has similar requirements to Title 10 which is applicable to the U.S. Coast Guard. The U.S. Coast Guard's authority is based on the Department of Defense's authority in Title 10.

For solicitations to contract made through a variety of means, whether conducted orally or in writing, contracting officers normally request information from prospective offerors such as pricing information, delivery schedule compliance, and whether the offeror has the resources (both human and financial) to accomplish requirements. Examples of the kinds of information collected can be found in the FAR at FAR 13.106-1, 13.106-3, 13.302-1, -3, -5, subpart 13.5, subpart 14.2, subpart 15.2, subpart 6.1, and subpart 35.

Examples where collections of information occur in soliciting for supplies/services include the issuance of draft Requests for Proposal (RFP), Requests for Information (RFI), and Broad Agency Announcements (BAA). The Government generally issues an RFP using the uniform contract format (FAR 15.204-1) with the intent of awarding a contract to one or more prospective offerors. The RFP can require those interested in making an offer to provide information in the following areas: schedule (FAR 15.204-2); contract clauses (FAR 15.204-3); list of documents, exhibits and

other attachments (FAR 15.204-4) or representations and instructions (15.204-5).

FAR 15.201(e) authorizes agencies to issue RFIs when an agency “does not presently intend to award a contract, but wants to obtain price, delivery, other market information, or capabilities for planning purposes”. RFIs solicit responses from the public. Similarly, FAR 35.106 authorizes Federal agencies to use BAAs to “fulfill their requirements for scientific study and experimentation directed toward advancing the state-of-the-art or increasing knowledge or understanding rather than focusing on a specific system or hardware solution.”

The DHS Science and Technology (S&T) Directorate issues BAAs soliciting white papers and proposals from the public. DHS S&T evaluates white papers and proposals received from the public in response to a DHS S&T BAA using the evaluation criteria specified in the BAA through a peer or scientific review process in accordance with FAR 35.016(d). White paper evaluation determines those research ideas that merit submission of a full proposal and proposal evaluation determines those proposals that merit selection for contract award. Unclassified white papers and proposals are typically collected via the DHS S&T BAA secure website, while classified white papers and proposals must be submitted via proper classified courier or proper classified mailing procedures as described in the National Industrial Security Program Operating Manual (NSPOM).

Federal agencies with an annual extramural research and development (R&D) budget exceeding \$100 million are required to participate in the SBIR Program. Similarly, Federal agencies with an extramural R&D budget exceeding \$1 billion are required to participate in the STTR Program.

Federal agencies who participate in the SBIR and STTR programs must collect information from the public to:

- (1) Meet their reporting requirements under 15 U.S.C. 638 (b) (7), (g)(8), (i), (j)(1)(E), (j)(3)(C), (l), (o)(10), and (v);
- (2) Meet the requirement to maintain both a publicly accessible database of SBIR/STTR award information and a government database of SBIR/STTR award information for SBIR and STTR program evaluation under 15 U.S.C. 638 g(10), (k), (o) (9), and (o)(15); and
- (3) Meet requirements for public outreach under 15 U.S.C. 638

(j)(2)(F), (o)(14), and (s).

DHS is not be asking for anything outside of what is already required in the FAR. Should anything outside the FAR arise, DHS will submit a request for Office of Management and Budget (OMB) approval. The prior information collect request for OMB No. 1600-005 was approved through October 31, 2011 by OMB in a Notice of OMB Action.

2. Purpose of Use of the Information Collection

The information being collected is used by the Government's contracting officers and other acquisition personnel, including technical and legal staffs to determine adequacy of technical and management approach, experience, responsibility, responsiveness, expertise of the firms submitting offers, identification of members of the public (*i.e.*, small businesses) who qualify for, and are interested in participating in, the DHS SBIR Program, facilitate SBIR outreach to the public, and provide the DHS SBIR Program Office necessary and sufficient information to determine that proposals submitted by the public to the DHS SBIR Program meet criteria for consideration under the program.

Failure to collect this information would adversely affect the quality of products and services DHS receives from contractors. Potentially, contracts would be awarded to firms without sufficient experience and expertise, thereby placing the Department's operations in jeopardy. Defective and inadequate contractor deliverables would adversely affect DHS's fulfillment of the mission requirements in all areas. Additionally, the Department would be unsuccessful in identifying small businesses with research and development (R&D) capabilities, which would adversely affect the mission requirements in this area.

3. Use of Improved Information Technology and Burden Reduction

Many sources of the requested information use automated word processing systems, databases, emails, and, in some cases, web portals to facilitate preparation of material to be submitted and to post and collect information. It is common place within many of DHS's Components for submissions to be electronic as a result of implementation of e-Government initiatives.

DHS S&T uses information technology (*i.e.*, electronic web portals) in the collection of information to reduce the data gathering and records management burden. DHS S&T uses a secure website which the public can propose SBIR research topics and submit proposals in response to SBIR solicitations. In addition, DHS uses a web portal to review RFIs and register to submit a white paper or proposal in response to a specific BAA. The data collection forms standardize the collection of information that is necessary and sufficient for the DHS SBIR Program Office to meet its requirements under 15 U.S.C. 638.

4. Efforts to Identify Duplication and Use of Similar Information

The information collected from the public under these request complements but does not duplicate vendor information available to the Governmentwide acquisition community. In addition, through Strategic Sourcing initiatives, DHS Components are encouraged to consolidate their own respective similar transactions for internal administrative economies. The subject information collection is intended to cover information specific to individual DHS contracting requirements, e.g., offeror'/bidders 'technical and pricing information, delivery information, not available under existing systems, and research topics, etc.

5. Impact on Small Business or Other Small Entities

This information collection may or may not involve small business contractors, depending on the particular transaction. The burden applied to small businesses is minimal. In certain cases, information collection is done via a secure website which is intended to minimize burden for businesses (including small businesses) and other for-profit entities, and not-for-profit institutions. Small businesses and other small entities will be able to enter identifying information and subsequently update rather than resubmit that information via the Internet.

6. Consequences of Collection the Information Less Frequently

Less frequent incidence of collecting such information as offerors' technical approach, management approach, experience statements, and resumes indicating level of expertise would negatively affect the quality of products and services DHS received from contractors. Potentially, contracts would be awarded to firms without sufficient experience and expertise, thereby placing the Department's operations in jeopardy.

Additionally, DHS collects information that is both necessary and sufficient to comply with 15 U.S.C. 638 and receive white papers and proposals from the public in response to BAAs. Failure to allow the public to submit information would diminish the ability of the DHS SBIR Program Office to meet its obligation for outreach as required by 15 U.S.C. 638, evaluate white papers and proposals in accordance with the criteria in the BAA and provide the respondents with the results of the evaluation.

7. Special Circumstances Relating to the Guidelines of 5CFR 1320.5

There are no special circumstances that would cause this information collection to be conducted in a manner outside the procedures in the FAR and Public Laws codified in 15 U.S.C. 638.

8. Efforts to Consult Outside the Agency

A 60 Day Federal Register Notice soliciting for public comments was published on Monday, July 18, 2011 at 76 FR 42132. DHS has received 2 comments as it relates to this notice.

A 30 Day Federal Register Notice soliciting for public comments was published on Wednesday, October 5, 2011 at 76FR 42130. No comments were received.

9. Explanation of Payments and Gifts to Respondents

Not Applicable. There will be no payments or gifts made to respondents for this information collection.

10. Assurance of Confidentiality Provided to Respondents

Disclosure/non-disclosure of information is handled in accordance with the Freedom of Information Act, other disclosure statutes, and Federal and agency acquisition regulations.

11. Justification for Sensitive Questions

Not Applicable. Questions posed as a means of obtaining information on offerors' pricing, delivery, technical approach, management approach, experience statements and other information in proposals, quotes, white papers, etc., are of a business rather than a personal or private nature.

12. Estimates of Annualized Burden Hours and Costs

Annual Estimated Burden: The annual estimated burden is 721,560 hours.

Example Table:

Table A.12: Estimated Annualized Burden Hours and Costs

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Contractor	Solicitation of Proposal Information for Award of Public Contracts	17,180	3	14	721,560	\$27.36	\$19,741,882
Total		17,180					\$19,741,882

13. Estimates of annualized capital and start-up costs.

Costs could not be estimated, as the size and complexity of each request for additional information is dependent upon the circumstances of the particular acquisition, e.g., information requests can range from the simple confirmation of delivery

information to more complex information related to a proposal's technical approach.

14. Annualized Cost to the Federal Government

Such costs could not be estimated, as the size and complexity of each request for additional information is dependent upon circumstances of the particular acquisition.

15. Explanation of Program Changes or Adjustments

According to FPDS and Federal Business Opportunities (FedBizOpps), the number of competitive solicitations and award actions has increased each over the past three years, thereby increasing the universe of possible respondents to DHS and its Components' solicitations. However, a increase in the information collection burden associated with the gathering of additional information to support the evaluation of solicitation responses has been offset, by the use of electronic web portals, such as CCR, FAPIIS, those used to submit SBIR research topics and submit response to DHS SBIR solicitations. Additionally, electronic web portals are used to collect unclassified white papers and proposals to reduce the data gathering and records management burden for BAAs.

In addition to issuance of solicitations over the Internet or electronic systems; increased use of oral presentations in lieu of written proposals, permitted under FAR 15.102; and increased use of combined contract action notices/requests for proposals, as encouraged by FAR 12.603, are contributing to the relative stability of DHS's information collection burden to the public. There is no change in the information being collected.

16. Plans for Tabulation and Publication

DHS does not intend to employ the use of statistics, or publication thereof for this information collection.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

The OMB control number and expiration date will be displayed on the information collection.