

**OMB No. 0704-0341**  
**Supporting Statement**

**DFARS Part 239 – Acquisition of Information Technology**

**A. Justification**

**1. Requirement.** This is a request for reinstatement of the information collection requirements in the Department of Defense (DoD) currently approved under OMB Clearance Number 0704-0341 for DFARS Part 239 and the related provisions and clauses at Part 252.239.

a. **Security and Privacy for Computer Systems.** DFARS 239.7102-3 prescribes use of the clause at 252.239-7000, Protection Against Compromising Emanations, (see TAB B2) when contracting for computer equipment or systems which are to be used to process classified information. The clause requires the contractor to provide, upon request of the contracting officer, documentation supporting the accreditation of the computer system to meet the appropriate security requirements.

b. **Telecommunications Services – Tariffs.** DFARS Subpart 239-74 prescribes policies and procedures for acquisition of telecommunication services and maintenance of telecommunications security. DFARS 239.7411 prescribes use of the clause at 252.239-7006, Tariff Information, (see TAB B3) in solicitations, contracts, and basic agreements for telecommunications services. The clause requires the contractor to provide the following information:

i. DFARS 252.239-7006(a) (1) – Upon request of the contracting officer, a copy of the contractor’s existing tariffs (including changes);

ii. DFARS 252.239-7006(a) (2) – Before filing, any application to a Federal, State, or any other regulatory agency for new or changes to, rates, charges, services, or regulations relating to any tariff or any of the facilities or services to be furnished solely or primarily to the Government; and

iii. DFARS 252.239-7006(a) (3) – Upon request, a copy of all information, material and data developed or prepared in support of or in connection with an application under (ii) above.

iv. DFARS 252.239-7006(b) – Notification to the contracting officer of any application that anyone other than the contractor files with a Governmental regulatory body which affects or will affect the rate or conditions of services under this agreement/contract.

c. Telecommunications Services – Special Construction. DFARS 239.7408 (see TAB B4) requires that a detailed special construction proposal be obtained from a common carrier that submits a proposal or quotation that has special construction requirements.

**2. Purpose.** The information obtained through DFARS Part 239 and the provisions and clauses prescribed therein, is obtained occasionally, as required. The information is used to ensure that computer equipment or systems delivered under the contract are adequate to safeguard national security information; to ensure that DoD has information necessary to participate in the rulemaking process of Government agencies that establish tariffs that affect the rates DoD will pay for telecommunications services; and to ensure that DoD pays fair and reasonable prices for special construction under contracts for telecommunications services.

**3. Information Technology.** Improved information technology is used to the maximum extent practicable.

**4. Duplication.** As a matter of policy, DoD reviews the Federal Acquisition Regulation (FAR) to determine if adequate language already exists. The proposed DFARS language applies solely to DoD and is not considered duplicative of any language in the FAR. No similar information is available elsewhere.

**5. Small Business.** The collection of this information is not expected to have a significant impact on a substantial number of small businesses or other small entities. The requirements for information collection are only occasional, as the circumstances dictate, and the burden on large and small entities is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices.

**6. Consequences for non-collection.** DoD specialists who are most knowledgeable of the requirements and the need for the information reviewed the information collection frequency. Failure to collect this information may result in increased costs and compromise of sensitive national security information. DoD agencies may lack information necessary to ensure that computer systems are secure; affect the tariffs paid by DoD to common carriers; or negotiate reasonable prices for contracts involving special construction.

**7. Special circumstances.** There are no special circumstances that require the collection to be conducted in any manner listed in 5 CFR 1320.5(d)(2).

**8. Public comments and consultation.** Public comments were solicited in the Federal Register on June 17, 2011 (76 FR 35424), as required by 5 CFR 1320.8(d). No public comments were received.

**9. Payment to respondents.** No payment or gift will be provided to respondents to this information collection requirement.

**10. Confidentiality.** This information is disclosed only to the extent consistent with prudent business practices and current regulations and statutory requirements. No assurance of confidentiality is provided to respondents.

**11. Sensitive questions.** No sensitive questions are involved.

**12. Estimate of Public Burden.**

**a. Security and Privacy for Computer Systems.** The burden associated with the requirement of DFARS 252.239-7000 to provide, upon request of the contracting officer, documentation supporting the security accreditation of the computer system, is estimated at 55 hours as follows:

Number of Respondents	Note (1)	107
Responses per Respondent	(1)	1
Annual responses		107
Hours per response	(1)	.5
Total Hours		54
Cost per Hour	(2)	\$25
Total annual cost to public		\$1,337.50

Notes:

(1) This estimate is based upon analysis of the DoD database of contract actions for fiscal year 2010 and consultations with DoD personnel. Total burdens are summarized in TAB B1.

(2) Based on GS-07 step 5 salary plus 32.85 percent burden, rounded to the nearest dollar, and is estimated as follows:

Base Payroll	\$18.45
Times estimated overhead	<u>32.85%</u>
Equals	\$24.51
Rounded to	\$25.00

**b. Telecommunications Services - Tariffs.** The burden associated with the requirement of DFARS 252.239-7006 to provide the contracting officer copies of information relating to tariffs, are estimated at 928 hours as follows:

DFARS 252.239-7006	(a)(1)	(a)(2)	(a)(3)	(b)
Number of Respondents Note (1)	464	48	36	80
Responses per Respondent (1)	14	1	1	1
Annual responses	6,496	48	36	80
Hours per response (1)	.5	.5	1	.5
Total Hours	3,248	24	36	40
Cost per Hour (2)	\$25	\$25	\$25	\$25
Total annual cost to public	\$81,200	\$600	\$900	\$1,000

Notes:

(1) This estimate is based upon analysis of the DoD database of contract actions for fiscal year 2010 and consultations with DoD personnel. Total burdens are summarized in TAB B1.

(2) Based on GS-07 step 5 salary plus 32.85 percent burden, rounded to the nearest dollar, and is estimated as follows:

Base Payroll	\$18.45
Times estimated overhead	<u>32.85%</u>
Equals	\$24.51
Rounded to	\$25.00

**c. Telecommunications Services – Special Construction.** The burden associated with the requirement of DFARS 239.7408 to provide a detailed special construction proposal is estimated at 640 hours, broken out as follows:

Number of Respondents	Note (1)	32
Responses per Respondent	(1)	1
Annual responses		32
Hours per response	(1)	20
Total Hours		640
Cost per Hour	(2)	\$52
Total annual cost to public		\$33,280

Notes:

(1) This estimate is based upon analysis of the DoD database of contract actions for fiscal year 2010 and consultations with DoD personnel. Total burdens are summarized in TAB B1.

(2) Based on GS-13 step 5 salary plus 32.85 percent burden, rounded to the nearest dollar, and is estimated as follows:

Base Payroll	\$38.92
Times estimated overhead	<u>32.85%</u>
Equals	\$51.71
Rounded to	\$52.00

**d. Composite public burden estimate** - This estimate is based upon analysis of the DoD database of contract actions for fiscal year 2010 and consultations with DoD personnel. Total burdens are summarized in TAB B1. For estimating purposes, respondents to 252.239-7006 (a)(2), (a)(3), (b), and 239.7408 are the same as respondents to 252.239-7006(a)(1), and therefore are not added to the total, and is summarized as follows:

Number of Respondents	571
Responses Per Respondent	11.9
Annual Responses	6,799
Average Burden Per Response	0.6 hour
Annual Burden Hours	4042

**13. Estimated nonrecurring costs.** We estimate that there are no nonrecurring costs, i.e., capital and start-up operation and maintenance costs other than the hour burden detailed in section 12.

**14. Estimated cost to Government.** The time required for Government Review of the requirements is based on receiving, reviewing, and analyzing the information submitted by the contractor. The total Government cost of 6,927 hours (\$360,204) is calculated as follows.

**a. Security and Privacy for Computer Systems. (DFARS 252.239-7000)**

A. Total annual responses	Note (1)	107
B. Hours per response	(2)	1
C. Total annual hours		107
D. Cost per hour	(1)	\$52
E. Total annual cost to Government		\$5,564

**b. Telecommunications Services – Tariffs. (DFARS 252.239-7006(a)(1), (2), (3), (b))**

A. Total annual responses	Note (1)	6,496	48	36	80
B. Hours per response	(2)	1	1	1	1
C. Total annual hours		6,496	48	36	80
D. Cost per hour	(1)	\$52	\$52	\$52	\$52
E. Total annual cost to Government		\$337,792	\$2,496	\$1,872	\$4,160

**c. Telecommunications Service – Special Construction.**

A. Total annual responses	Note (1)	32
B. Hours per response	(2)	5
C. Total annual hours		160
D. Cost per hour	(1)	\$52
E. Total annual cost to Government		\$8,320

Notes:

(1) Based on GS-13 step 5 salary plus 32.85 percent burden, rounded to the nearest dollar, and is estimated as follows:

Base Payroll	\$38.92
Times estimated overhead	<u>32.85%</u>
Equals	\$51.71
Rounded to	\$52.00

(2) The estimated hours per response is based on the time required for Government receive, review, and analyze the information submitted by the contractor. The estimate was developed as a result of discussions with DoD personnel.

**d. The total estimated cost to the Government is summarized as follows:**

	Total Government hours	Total Government Cost
DFARS 252.239-7000	107	\$ 5,564
DFARS 252.239-7006(a)(1)	6,496	337,792
DFARS 252.239-7006(a)(2)	48	2,496
DFARS 252.239-7006(a)(3)	36	1,872
DFARS 252.239-7006(b)	80	4,160
DFARS 239.7408	160	8,320
Total	6,927	\$360,204

**15. Program changes.** Increase in respondents. The changes to Items 12 and 14, above, are due to using more current cost per hour data and increase in the estimated number of respondents and responses, based on FY 2010 data and consultation with DoD personnel.

**16. Publication.** Results of this information collection will not be published.

**17. Expiration Date.** Not applicable.

**18. Certification.** There are no exceptions to the certification statement identified in Item 19 of OMB Form 83-I.

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS.**

Results will not be tabulated. Statistical methods will not be employed.