

**SUPPORTING STATEMENT  
FOR INFORMATION COLLECTION SUBMISSION  
9000-0043, DELIVERY SCHEDULES**

**A. Justification.**

- 1. Circumstances that make the collection of information necessary.** The time of delivery or performance is an essential contract element and must be clearly stated in solicitations and contracts. The contracting officer may set forth a required delivery schedule or may allow an offeror to propose an alternate delivery schedule, for other than those for construction and architect-engineering, by inserting in solicitations and contracts a clause substantially the same as either FAR 52.211-8, Time of Delivery, or FAR 52.211-9, Desired and Required Time of Delivery. The information is needed to assure supplies or services are obtained in a timely manner.
- 2. Uses of information.** The information is needed to assure supplies or services are obtained in a timely manner.
- 3. Consideration of information technology.** We use improved information technology to the maximum extent practicable. Where both the Government agency and contractors are capable of electronic interchange, the contractors may submit this information collection requirement electronically.
- 4. Efforts to identify duplication.** This requirement is being issued under the Federal Acquisition Regulation (FAR) which has been developed to standardize Federal procurement practices and eliminate unnecessary duplication.
- 5. If the collection of information impacts small businesses or other entities, describe methods used to minimize burden.** The burden applied to small businesses is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices.
- 6. Describe consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently.** Collection of information on a basis other than solicitation-by-solicitation is not practical.
- 7. Special circumstances for collection.** Collection is consistent with guidelines in 5 CFR 1320.6.

**8. Efforts to consult with persons outside the agency.** A notice published in the *Federal Register* at 77 FR 10529, on February 22, 2012. Two comments were received by one respondent.

1. The respondent commented that the extension of the information collection would violate the fundamental purposes of the Paperwork Reduction Act because of the burden it puts on the entity submitting the information and the agency collecting the information.

**Response:** In accordance with the Paperwork Reduction Act (PRA), agencies can request OMB approval of an existing information collection. The PRA requires that agencies use the Federal Register notice and comment process, to extend OMB's approval, at least every three years. This extension, to a previously approved information collection, pertains to the delivery schedule clauses 52.211-8 and 52.211-9. The purpose of these clauses is to permit a contractor submitting a proposal to an agency to voluntarily submit an alternate delivery schedule. These clauses have existed substantially the same since the inception of the FAR. Further, these clauses are not required clauses but rather optional clauses that are used infrequently in contracts and collect a small amount of information. Therefore, these clauses impose a minimal reporting burden on the public. The delivery schedule clauses do not put an added cost on the Federal Government because this information is a fundamental requirement already being provided as a part of a solicitation by the contracting officer. Also, the information being collected pertaining to the delivery schedule is beneficial to the public because it allows a contractor to submit an alternate delivery schedule, including an earlier delivery schedule, that may make a proposal more competitive. Not granting this extension would consequently eliminate two fundamental FAR clauses that impose little burden on the public or the agency collecting the information in accordance with the PRA while providing a benefit to the public.

2. The respondent commented that the agency did not accurately estimate the public burden challenging that the agency's methodology for calculating it is insufficient and inadequate and does not reflect the total burden. For this reason, the respondent provided that the agency should reassess the estimated total burden hours and revise the estimate upwards to be more accurate, as was done in FAR Case 2007-006. The same respondent also provided that the burden of compliance with the information collection requirement greatly exceeds the agency's estimate and outweighs any potential utility of the extension.

**Response:** Serious consideration is given, during the open comment period, to all comments received and adjustments are made to the paperwork burden estimate based on reasonable considerations provided by the public. This is evidenced, as the respondent notes, in FAR Case 2007-006 where an adjustment was made from the total preparation hours from three to 60. This change was made considering particularly the hours that would be required for review within the company, prior to release to the Government.

The burden is prepared taking into consideration the necessary criteria in OMB guidance for estimating the paperwork burden put on the entity submitting the information. For example, consideration is given to an entity reviewing instructions; using technology to collect, process, and disclose information; adjusting existing practices to comply with requirements; searching data sources; completing and reviewing the response; and transmitting or disclosing information. The estimated burden hours for a collection are based on an average between the hours that a simple disclosure by a very small business might require and the much higher numbers that might be required for a very complex disclosure by a major corporation. Also, the estimated burden hours should only include projected hours for those actions which a company would not undertake in the normal course of business. Careful consideration went into assessing the estimated burden hours for this collection, and it is determined that an upward adjustment is not required at this time. However, at any point, members of the public may submit comments for further consideration, and are encouraged to provide data to support their request for an adjustment.

**9. Explanation of any decision to provide any payment or gift to respondents, other than remuneration of contractors or guarantees.** Not applicable.

**10. Describe assurance of confidentiality provided to respondents.** This information is disclosed only to the extent consistent with prudent business practices and current regulations.

**11. Additional justification for questions of a sensitive nature.** No sensitive questions are involved.

**12 & 13. Estimated total annual public hour and cost burden.** Time required to read and prepare information is estimated at 10 minutes per completion.

Annual Burden and Cost to Public

Estimated respondents/yr.....	3,440
Responses annually.....x	<u>5</u>
Total annual responses.....	17,200
Preparation time per response.....x	<u>.167</u>
Total burden/hrs.....	2,872
Average wages (\$3 + 100 OH).....x	<u>\$68</u>
Estimated cost to public.....	\$195,296

. **Estimated cost to the Government.** Time required for Governmentwide review is estimated at 10 minutes per response.

Annual Burden and Cost to Government

Total annual responses.....	17,200
Review time per response..... x	<u>.167</u>
Total burden hours.....	2,872
Average wages + overhead (\$34/hr. + 100% OH)..... x	<u>\$68</u>
Total Government cost.....	\$195,296

**15. Explain reasons for program changes or adjustments reported in Item 13 or 14.** This submission requests an extension of OMB approval of an information collection requirement in the FAR. The information collection requirement in the FAR remains unchanged except hourly rates and overhead which are supported by the following discussion. The base wage hourly rate of \$34 per hour is a GS11 Step 5 in the Washington area. A 100% overhead rate is applied to the wage rate. For the government, this is comprised of a 32.85% fringe benefit rate recommended by OMB in their August 8, 2006 memorandum *Cost Saving Achieved Through E-Government and Line of Business Initiatives* (M-06-22) and an estimated 67.15% overhead rate. This overhead rate compares to audited and federally approved overhead rates at leading universities. It is estimated these overhead rates are similar for the federal government.

For this analysis, the public wages for this task are assumed to be the same. This is a base wage hourly rate of \$34 per hour or a GS11 Step 5 in the Washington area. A 100% overhead rate is applied to the wage rate. Overhead rates of federal private contractors are also estimated at 100%. This is comprised of a fringe benefit rate of 32.85%, profit of 7%, and overhead rate of 60.15%. This estimate is supported by the history of relative closeness of A-76 competitions.

16. **Outline plans for published results of information collections.** Results will not be tabulated or published.

17. **Approval not to display expiration date.** Not applicable.

18. **Explanation of exception to certification statement.** Not applicable.

**B. Collections of Information Employing Statistical Methods.** Statistical methods are not used in this information collection.