

**SUPPORTING STATEMENT
FOR INFORMATION COLLECTION SUBMISSION
9000-0058, SCHEDULES FOR CONSTRUCTION CONTRACTS**

A. Justification.

1. **Administrative requirements.** Federal construction contractors may be required to submit schedules, in the form of a progress chart, showing the order in which the contractor proposes to perform the work per FAR 36.515, Schedules for construction contracts. The contracting office may insert the clause 52.236-15, Schedules for Construction Contracts, in solicitations and contracts when a fixed price construction contract is contemplated, the contract amount is expected to exceed the simplified acquisition threshold, and the period of actual work performance exceeds 60 days. This clause may also be inserted in such solicitations and contracts when work performance is expected to last less than 60 days and an unusual situation exists that warrants imposition of the requirement. Actual progress shall be entered on the chart as directed by the contracting officer.

2. **Uses of information.** This information is used to monitor progress under a Federal construction contract when other management approaches for ensuring adequate progress are not used.

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 person outside the agency. A notice published in the *Federal Register* at 77 FR 73659, on December 11, 2012. One respondent submitted public comments on the extension of the previously approved information collection. The analysis of the public comments is summarized as follows:

Comment: The respondent commented that the extension of the information collection would violate the fundamental purpose 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 an OMB approval of an existing information collection. The PRA requires that agencies use the Federal Register Notice and comment process, to extend the OMB's approval, at least every three years. This extension, to a previously approved information collection, pertains to FAR 36.515, Schedules for Construction Contracts. The purpose of this subpart is to monitor progress under a federal construction contract when other management approaches for ensuring adequate progress are not used. This subpart provides the contracting officer with a construction schedule, in the form of a progress chart. Actual progress is entered on the chart as directed by the contracting officer. Not granting this extension would eliminate the Government's ability to track the contractor's progress when other management approaches for ensuring adequate progress are not used.

Comment: The respondent commented that the agency does not accurately estimate the public burden an extension of the information collection requirement would create.

Response: The Federal procurement Data System (FPDS) shows that the total number of fixed price base construction contracts (as defined by the Davis Bacon Act, excluding task orders/delivery orders and BPA calls) awarded in FY11 was 4,450. FPDS also shows that these contracts were made to 2,679 unique vendors. Contracting officers only use clause 52.236-15, Schedules for Construction Contracts, when other management approaches for ensuring that a Contractor makes adequate progress

are not available. Based on this information, the Government estimated that fifty-eight percent of the time, contracting officers used clause 52.236-15.

The number of respondents was derived from the total number of construction contracts awarded in FPDS in FY 11, and the number of unique vendors those contracts were awarded to. Based on this information, each unique vendor responded 1.67 times to Government requests for information which was rounded up to the nearest whole number.

The Contractor is required, within five days after the work commences on the contract or another period of time determined by the contracting officer, to prepare and submit for approval three copies of a practicable schedule showing the order in which the Contractor proposes to perform the work, and the dates on which the Contractor contemplates starting and completing the several salient features of the work (including acquiring materials, plant, and equipment). The schedule shall be in the form of a progress chart of suitable scale to indicate appropriately the percentage of work scheduled for completion by any given date during the period. Subject matter experts in construction state that when contractors submit their proposals for construction projects, they usually include a schedule to complete the project. The cost of providing this information is captured in the proposal cost. Based on this information being readily available to the Contractor once an award is made, it is not unreasonable to expect that the document could be updated in the time currently specified in the information collection.

Comment: The respondent commented the collective burden of compliance with the information collection requirement greatly exceeds the agency's estimate and outweighs any potential utility of the extension.

Response: The Paperwork Reduction Act (PRA) was designed to improve the quality and use of Federal information to strengthen decision-making, accountability, and openness in government and society. Central to this process is the solicitation of comments from the public. This process incorporates an enumerated specification of targeted information and provides interested parties a meaningful opportunity for comment on the relevant compliance cost. This process has led to decreases in the overall collective burden of compliance for the information collection requirement in regards to the public. Based on OMB estimates, in FY 2010, the public spent 8.8 billion hours responding to information collections. This was a decrease of one billion hours, or ten percent from the previous fiscal year. In effect, the collective burden of compliance for the public is

going down as the Government publishes rules that make the process less complex, more transparent, and reduces the cost of federal regulations to both the Contractor community and Government.

Comment: The respondent commented that the Government's response to the Paperwork Reduction Act waiver for FAR Case 2007-006 is instructive on the total burden for respondents.

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 provide 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 sixty. 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.

9. Explanation of any decision to provide any payment or gift to respondents, other than re-enumeration 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 hours and cost burden.** Based on Fiscal Year 2011 Federal Procurement Data System data for construction contracts (office buildings, airport terminals, dining facilities, dams, etc.), the previously approved estimated burden hours remains a valid estimate. The estimated wage rate for the contractor personnel providing the information for this collection is updated based on a GS-12, Step 5, per the U.S. Government Office of Personnel Management Salary Table, effective January 2012.

Estimated respondents/yr.....	4,019
Responses annually.....	x <u>2</u>
Total annual responses.....	8,038
Estimated hrs/response.....	4
Estimated total burden/hrs.....	32,152
Benefits	(\$32.73 + 36.25% OH) X <u>\$44.60</u>
Estimated cost to public.\$1,433,979

14. **Estimated cost to the Government.** Time required for Governmentwide review is estimated at 15 minutes hour per response.

Annual Reporting Burden and Cost

Reviewing time/hr.50
Responses/yr	5,200
Review time/yr.....	2,600
Average wages/hr.....	x\$44.60*
Total Government Cost.....	\$115,960

* The estimated wage rate for the Government personnel reviewing the information for this collection is updated based on a GS-12, Step 5, per the U.S. Government Office of Personnel Management Salary Table, effective January 2012.

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 estimated burden is increased based on revisions to the estimated respondents and revisions to the review time. Based on the use of an updated hourly labor rate, the estimated cost to both the public and Government has increased.

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.