

**Supporting Statement for Information Collection Submission
3090-0274 – Art in Architecture Program Historic Buildings and the Arts (PCAC)**

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

No law mandates that a percentage of federal construction budgets be spent for fine art. The Art in Architecture Program is the result of a policy decision made in January 1963 by GSA administrator Bernard L. Boudin, who had served on the Ad Hoc Committee on Federal Office Space in 1961-62. The committee's report to President Kennedy, included "Guiding Principles for Federal Architecture," which detailed a new quality conscious federal attitude toward architecture. One point, which was omitted from the report because Boudin implemented it prior to the policy's publication, was:

"A modest portion of the cost of each new Federal office building, not to exceed one percent of the total expense, shall be allocated for the purchase of fine arts to be incorporated in the general design. Emphasis should be placed on the work of living American artists, representing all trends of contemporary art, but this practice should not preclude the purchase of works of earlier periods where this would be appropriate. In commissioning the work of living artists, competitions should be encouraged."

Boudin approved a policy of commissioning works of art in public buildings under GSA's jurisdiction, at a cost not to exceed one half of one percent of the construction cost.

The requirement to commission artworks for federal buildings can be found in Chapter 102-77 of the Federal Management Regulations (copy attached).

The program has been modified over the years, most recently in 2010 when a requirement was instituted that all artists who want to be considered for any potential GSA commission must be included on the National Artists Registry, which serves as the qualified list of eligible artists; the program continues to commission works of art from living American artists. One half of one percent of the estimated construction cost of new or substantially renovated Federal buildings and U.S. courthouses is allocated for commissioning works of art.

The Art in Architecture Program actively seeks to commission works from the full spectrum of American artists, and strives to promote new media and inventive solutions for public art. GSA has awarded over 400 commissions both to artists with established careers, as well as to artists of local and regional prominence. In support of the program's goal to commission the most talented contemporary American artists to create works for the nation's important new civic buildings, it is necessary to identify those artists. The National Artist Registry offers to opportunity for artists across the country to participate and to be considered for commissions.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The National Artists Registry is a registry of artists who wish to be considered for commissions awarded by GSA to create artworks for Federal buildings. Per the 2010 Art in Architecture Policies and Procedures, the Contracting Officer on each project posts a synopsis for artist

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selection in FedBizOpps for a minimum of 30 days. The synopsis provides information on how to be included in the National Artists Registry, and states that all artists who want to be considered for any potential GSA commission must be included in the Registry. Once on the registry, an artist does not need to resubmit in order to be considered for future projects.

The Registry is the qualified list of eligible artists. To establish the competitive field for a particular commission, the Technical Evaluation Board screens the registry using the criteria and specific standards it has established for the project. The board is comprised of GSA subject-matter experts; the Contracting Officer serves as an advisory member.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The form is available electronically at www.gsa.gov/artinarchitecture. Artists may, but are not required to submit the form electronically. Approximately 90% send the form and supporting information via e-mail; approximately 10% provide the information on a compact disc. Once received, the information from the form, as well as from the artist's resume, is entered into an electronic database to provide quick and thorough response to questions regarding artists and art works and to permit the compilation of the competitive field of artists to be considered for a particular commission.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The Art in Architecture Program is unique in the Federal government; the National Artists Registry is operated in support of that program and is used specifically to review artists for GSA art projects. Each new or substantially renovated Federal building, US courthouse, and land port of entry includes funds to commission artwork.

5. If the collection of information impacts small businesses or other small entities (item 5), describe any methods used to minimize burden.

Each artist is required to submit the form only one time and is thereafter eligible to be considered for all future commissions; it is not necessary to express interest in each project announced in FedBizOpps.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The National Artists Registry is the qualified list of eligible artists. The registry is open to all American artists (citizens and lawful Permanent Residents or Permanent Workers of the United States). Commissions may be awarded only to artists who are in the registry.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner requiring respondents to:

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- **Report information to the agency more often than quarterly;**
- **Prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Submit more than an original and 2 copies of any document;**
- **Retain records, other than health, medical, government contracts, grant-in-aid, or tax records, for more than 3 years;**
- **In connection with a statistical survey, that is not designed to produce valid, reliable results that can be generalized to the universe of study;**
- **Require the use of a statistical classification that has not been reviewed and approved by OMB;**
- **Include a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information’s confidentiality to the extent permitted by law.**

There are no such special circumstances for the National Artists Registry.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency’s notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

A notice was published in the Federal Register at 77 FR 58141, on September 19, 2012. No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

No payments or gifts will be given to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

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Submission of all personal information listed on the form is voluntary; however, failure to provide that information would make it impossible to contact the respondent. The information is collected under the general authority granted to GSA under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et Seq.) and the Public Buildings Act of 1959 (40 U.S. C. 601-616).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The National Artists Registry requires no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for**

information collection activities should not be included here. Instead, this cost should be included in Item 13.

Total Annual Requests	300
Estimates hours/response	.25
Estimated total burden/hours	75
Average Cost/hour	<u>\$19.92</u>
Total Cost to Public	\$1,494.00

The estimated number of respondents annually is approximately 300 individual artists with each response requiring 15 minutes to complete for a total of 75 hours. The average cost per hour is based on the equivalent of a Grade 9, step 1 federal employee.

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

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- **The cost estimate should be split into two components: (a) total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment, and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the Government or (4) as part of customary and usual business or private practices.**

The respondent has no additional burden or cost. There are neither capital or start-up costs nor additional annual costs once the original form has been submitted.

There are no start-up costs for the government. The National Artist Registry is already in place and software in operation so that the costs to gather and to maintain the information are minimal.

14. Provide estimates of annualized costs to the Federal Government. Also, provide a description of the method used to estimate cost, which should include qualification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

Reviewing Time/hr	15 minutes
Requests/year	<u>x 300</u>
Review Time/year	75 hours
Average Cost/hr	<u>\$39.46</u>
Total Government Cost	\$2,959.50

Based on the 75 burden hours to the government and using the hourly salary of a GS12, step 4 Art in Architecture staff member.

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15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.

The expense incurred is staff time. The program does not have support staff; one of the Fine Arts Specialists is responsible for insuring the information is incorporated into the database and the per hour cost is based upon the grade of the staff member. The time devoted to the activity is less than in the previous submission and reflects more accurately the number of new files added per year.

The annual number of responses has been reduced to 300, which yields an annual time burden of 75 hours. The number of responses is somewhat random and depends on the number of potential commissions announced in FedBizOpps, mention of the Artists Registry by other entities, which may prompt more submissions, and is not the result of programmatic or policy changes. Generally people submit the registry forms in response to GSA's announcing a construction project in FedBizOpps. There are few new projects so limited number of new artists will be submitting materials.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not applicable

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions".

Not applicable