

**SUPPORTING STATEMENT FOR OMB CONTROL NO.9000-0114,  
RIGHT OF FIRST REFUSAL OF EMPLOYMENT**

**A. Justification.**

1. **Administrative requirements.** As prescribed in FAR 7.305(c), the clause at FAR 52.207-3, Right of First Refusal of Employment, deals with adversely affected or separated Government employees resulting from the conversion of work from in-house performance to performance by contract. The clause requires the contractor to give these employees an opportunity to work for the contractor who is awarded the contract.

2. **Uses of information.** The information gathered is used by the Government to gain knowledge of which employees, adversely affected or separated as a result of the contract award, have gained employment with the contractor within 90 days after contract performance begins.

3. **Consideration of information technology.** We use improved information technology to the maximum extent practicable. FAR clause 52.207-3 requires contractors to report to the contracting officer the names of individuals identified on the list who are hired within 90 days after contract performance begins. This report may be transmitted either electronically or by "paper" mail to the respective contracting officer within 120 days after contract performance begins. It is in the contractor's discretion to submit the list via electronic methods or paper.

4. **Efforts to identify duplication.** This requirement is being issued under the Federal Acquisition Regulation (FAR) that 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 consequences to Federal programs or policy activities if the collection is not conducted or is conducted less frequently.** Similar information is not already available to the contracting officer or buyer.

7. **Special circumstances for collection.** Collection of information on a basis other than solicitation-by-solicitation is not practical. Collection is consistent with guidelines in 5 CFR 1320.6.

8. **Efforts to consult with persons outside the agency.** A notice was published in the *Federal Register* at 78 FR 17670, on March 22, 2013. No comments were received.

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 3 hours per completion. An analysis of the Federal Procurement Data System - Next Generation (FPDS-NG) shows that for Fiscal Years 2011 and 2012 there were 9,198 and 11,020, respectively, new A-76 awards. An average of the number of A-76 awards for these two years equates to 10,109.

Annual Reporting Burden

Estimated respondents/yr.....	10,109
Responses annually.....	<u>x 1</u>
Total annual responses.....	10,109
Estimated hrs/response.....	<u>x 3</u>
Estimated total burden/hrs.....	30,327

Annual Recordkeeping Burden

Number of recordkeepers.....	10,109
Annual hours per recordkeeper.....	<u>x .5</u>
Total recordkeeping burden hours.....	5,055

Annual Cost to the Public

Total reporting and recordkeeping burden hours.....	35,382
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Average wages + overhead (\$32.73/hr<sup>1</sup> + 36.25% OH<sup>2</sup>)..... \$44.59  
 Total cost to the public \$44.59 x  
 35,382 .....\$1,577,683

14. **Estimated Cost to the Government.** Time required for Government-wide review is estimated at .5 hours per response.

Annual Reviewing Burden and Cost

Total annual responses.....	10,109
Review time per response.....	x .5
Total burden hours.....	5,055
Average wages + overhead (\$32.73/hr + 36.25% OH).....	x \$44.59
Total Government cost.....	\$225,402

15. **Explain reasons for program changes or adjustments reported in Item 13 and 14.** This submission requests an extension of OMB approval of an information collection requirement in the FAR. The information collection requirement in the FAR increased due to expected anticipation that the Government's A-76 procurement will increase because of the OMB mandated Government-wide Sourcing Goals.

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. Collection of Information Employing Statistical Methods.**

Statistical methods are not used in this information collection.

<sup>1</sup> The cost of \$32.73 per hour is based on a GS-12 Step 5 salary (Base GS Salary Table 2012).

<sup>2</sup> The 36.25% fringe benefit rate is derived from OMB Memorandum M-08-13, dated March 11, 2008.