

OMB Control Number 9000-0180,
FAR Case 2010-004, Biobased Procurements,
Supporting Statement

A. Justification

1. Circumstances that make the collection of information necessary.

The DAR Council and the Civilian Agency Acquisition Council (the Councils) are issuing a final rule to implement section 9002 of Pub. L. 110-246. Section 9002 is entitled "Biobased Market Program." FAR 52.223-2, "Affirmative Procurement of Biobased Products Under Service and Construction Contracts," is revised to require the contractor to report the types and dollar value of U.S. Department of Agriculture (USDA)-designated biobased products purchased during the preceding fiscal year.

The statute requires agencies to report annually to the Office of Federal Procurement Policy (OFPP) information concerning actions taken to implement the preference for biobased products. OFPP must annually collect the information reported by the agencies and make it publicly available.

2. Use of information. The agencies will use this information to meet the statutory requirements to report to OFPP and make the information publicly available, as well as using the information to assess compliance and measure progress in carrying out the preference for biobased products.

3. Consideration of information technology. We use improved information technology to the maximum extent practicable. Where both the Government and the contractor are capable of electronic interchange, these information collection requirements may be submitted electronically.

4. Describe efforts to identify duplication. The reporting requirements placed on contractors are not duplicative of any other language in the FAR.

5. If the collection of information impacts small businesses, describe any methods used to minimize the burden. The collections associated with small businesses are the minimum consistent with applicable laws, Executive orders, and prudent businesses practices.

6. Describe the consequences to Federal activities if the

collection is not conducted or is conducted less frequently. Collecting this information less than annually would not meet the statutory requirement that agencies annually provide, and OFPP annually collect the information provided by the agencies and make the information publicly available.

7. Special circumstances for collection. We will not collect information in a manner that requires an explanation of special circumstances.

8. Efforts to consult with persons outside the agency. A notice published in the *Federal Register* at 76 FR 41179, on July 13, 2011. One comment was received in response to the Federal Register notice. The respondent stated that the current Federal Acquisition Regulation already requires contractors to make maximum use of U.S. Department of Agriculture (USDA)-designated biobased products, and, therefore, contractors should already be keeping certain records. The respondent concluded that the new information collection requirement, for contractors to report annually to the Government, should not be burdensome. This comment did not result in a change to the estimated burden.

9. Explanation of any decision to provide any payment or gift to respondents, other than remuneration of contractors or guarantees. We will not provide any payment or gift to respondents to this information collection requirement.

10. Describe assurance of confidentiality provided to respondents. We will disclose the information collected only to the extent consistent with prudent business practices, current regulations, and in accordance with the requirements of the Freedom of Information Act. We do not provide an assurance of confidentiality to respondents.

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

12. Estimated total annual public hour burden. Estimated Cost to the Public. We used information generated from FPDS (using fiscal year 2009 and 2010 data) to determine the number of contractors performing construction and service contracts that may involve the purchase of USDA-designated biobased products and estimates of processing times from contracting professionals. The estimate is based on contract actions from the following selected Product Services Codes: A-Research and Development; F-Natural Resources Management; J-Maintenance, Repair, and Rebuilding of Equipment; M-Operation of Government-Owned Facility; S-Utilities and

Housekeeping Services; T-Photographic, Mapping, Printing, and Publication Services; Y-Construction of Structures and Facilities; and Z-Maintenance, Repair or Alteration of Real Property. We believe the clause will apply to the majority of the contract actions in the selected PSCs. Based on the FY09 FPDS data collected there were 55,174 unique DUNS numbers for such contract actions, and based on the FY10 FPDS data collected there were 41,578 unique DUNS numbers. The average unique DUNS numbers for FY09 and FY10 on such contract actions is 48,376.

We estimated 5 responses per respondent. We believe this is the average number of contract actions respondents will have to report on per year.

We estimated 5 hours per response to collect, and report the information required by the clause. The estimate includes time required by contractors who will need to develop and/or implement a system to track the product types and dollar value of the purchased USDA-designated biobased products.

Using the average of the FY09 and FY10 data, and the estimated burden associated with collecting required information, developing a system to track the information, and reporting the required information, we estimate the total burden as follows--

Number of respondents	48,376
Responses per respondent	<u>X 5</u>
Number of responses	241,880
Avg. hours per response	<u>X 5</u>
Estimated hours	1,209,400
Cost per hour ²	<u>X 36.17</u>
Total annual public burden	\$43,743,998

Notes:

1. Based on 2011 GS-11, step 5 salary of \$27.31 per hour, plus 32.45 percent burden. All cost estimates are rounded to the nearest dollar. Wage rates used reflect the general schedule ranges published by the Office of Personnel Management on its Web site and do not include locality pay adjustments.

13. Capital start-up or operational land maintenance costs. We do not estimate any annual cost burdens other than the burdens we describe in items 12 and 14.

14. Estimated cost to the Government. We used information generated from FPDS (using fiscal year 2009 and 2010 data), and estimates of processing times from contracting professionals. We estimate the total cost as follows—

Number of responses	241,880
Avg. hours per response	<u>x 1.5</u>
Estimated Hours	362,820
Cost per hour ¹	<u>x \$36.17</u>
Total annual Government cost	\$13,123,199

Notes:

1. Based on 2011 GS-11, step 5 salary of \$27.31 per hour, plus 32.45 percent burden.

All cost estimates are rounded to the nearest dollar. Wage rates used reflect the general schedule rates published by the Office of Personnel Management on its Web site and do not include locality pay adjustments.

15. Explain reasons for program changes or adjustment reported in Item 13 or 14. This is a new information collection requirement.

16. Outline plans for published results of information collection. We will not publish the results of this information collection.

17. Approval not to display expiration date. We do not seek approval not to display the expiration date for OMB approval of the information collection.

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

B. Collections of Information Employing Statistical Methods. We will not tabulate results or employ statistical methods.