

Supporting Statement for Department of Veterans Affairs (VA) Acquisition  
Regulation (VAAR) Clause 852.211-73, Brand Name or Equal,  
OMB No. 2900-0585

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify legal or administrative requirements that necessitate the collection of information.

This Paperwork Reduction Act (PRA) submission seeks an extension of Office of Management and Budget (OMB) approval No. 2900-0585 for collection of information for both commercial and non-commercial item, service, and construction solicitations and contracts for clause 852.211- 73, Brand Name or Equal. The clause number has been changed from 852.210-77 to 852.211- 73, with no other changes.

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

VAAR clause 852.211-73, Brand Name or Equal, advises bidders or offerors who are proposing to offer an item that is alleged to be equal to the brand name item stated in the bid, that it is the bidder's or offeror's responsibility to show that the item offered is in fact, equal to the brand name item. This evidence may be in the form of descriptive literature or material, such as cuts, illustrations, drawings, or other information. While submission of the information is voluntary, failure to provide the information may result in rejection of the firm's bid or offer if the Government cannot otherwise determine that the item offered is equal. The information will be used by the contracting officer to evaluate whether or not the item offered meets the specification requirements.

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.

Collection efforts do not involve the use of automation. Offerors are required to provide specific information, unique to the product that they are offering, to show how that product is equal to the brand name product requested. The information is specific to that particular bid and collection of that information cannot be automated.

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.

There are no duplicated efforts. Each reporting situation is unique and the data that must be submitted is unique to the product being offered for sale to the Government.

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

There is no significant impact on small businesses.

6. Describe the consequences 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.

Failure to collect the information would have a negative impact on the offeror. It is the offeror's responsibility to show how its product is equal to the brand name product specified in the solicitation. If the offeror fails to provide the required evidence, its offer might be rejected.

7. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare written responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years; in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study and require the use of a statistical data classification that has not been reviewed and approved by OMB.

The information is needed for each produce offered rather than quarterly. The information is specific to the product offered and unique to that particular solicitation. The information is submitted for each produce offered. The time for response is the same as the time for submission of the quotation or offer, which may be fewer than 30 days, especially for lower dollar value solicitations or for commercial items. The information is normally standard company brochures and product descriptions and does not require any preparation.

8. a. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the sponsor'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 sponsor in responses to these comments. Specifically address comments received on cost and hour burden.

Notice regarding use of this clause in all applicable solicitations was published in the Federal Register on April 11, 2013, at pages 42821-42822. There were no comments received.

b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure or reporting format, and on the data elements to be recorded, disclosed or reported. Explain any circumstances which preclude consultation every three years with representatives of those from whom information is to be obtained.

There were no efforts to consult with persons outside the agency.

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

No payments or gifts will be provided.

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

No assurances of confidentiality will be provided to respondents.



11. Provide additional justification for any questions of a sensitive nature (Information that, with a reasonable degree of medical certainty, is likely to have a serious adverse effect on an individual's mental or physical health if revealed to him or her), such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private; include 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 request for information does not include any questions of a sensitive nature.

12. Estimate of the hour burden of the collection of information:

a. The number of respondents, frequency of responses, annual hour burden, and explanation for each form is reported as follows:

No. of respondents	x No. of responses	x No. of minutes	÷by 60	Number of Burden Hours
6,750	1 per solicitation	10	XX	1,125

b. 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 of OMB 83-I.

c. Provide estimates of annual cost to respondents for the hour burdens for collections of information. 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 14.

Estimated annualized cost: \$16,875 (1,125 hours at \$15 per hour).

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

NONE

14. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation 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 also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Estimated annualized cost to the Government: \$11,275 (1,125 hours at \$10 per hour plus \$25 printing costs). The information is evaluated upon receipt. If acceptable, no further action is required. Although printing costs are shown, there would be no savings from elimination of this clause, as the clause is included as part of an entire solicitation package and elimination of this one clause would not eliminate any pages from the solicitation.

15. Explain the reason for any burden hour changes since the last submission.

Burden hours were calculated based on annualized amount of documents created with this clause since October 1, 2011.

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.

The results will not be published.

17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This request seeks approval to not display the expiration date for OMB approval. This is an on going requirement. VA has a continuing need for this information in order to evaluate products that the offeror claims to be equal to the brand name product specified. VA expects to continue use of this clause indefinitely and an expiration date would only tend to confuse the public.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-I.

There are no exceptions.

#### B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods will not be employed.