

Supporting Statement
OMB No. 0704-0286

DFARS Subpart 205 - Publicizing Contract Actions

A. Justification

1. Requirement. OMB clearance 0704-0286 covers Defense Federal Acquisition Regulation Supplement (DFARS) Part 205, Publicizing Contract Actions, and a related clause at DFARS 252.205-7000, Provision of Information to Cooperative Agreement Holders. This clearance pertains to information contractors must provide to cooperative agreement holders upon request, in accordance with 10 U.S.C. 2416. This requirement only applies to contractors with solicitations and contracts that are expected to exceed \$1,000,000 or more, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items.

2. Purpose. DFARS 205.470 clause prescription and the clause at 252.205-7000 require defense prime contractors awarded contracts over \$1,000,000 to provide cooperative agreement holders, upon their request, a list of those appropriate employees or offices responsible for entering into subcontracts under defense contracts. The list must include the business address, telephone number, and area of responsibility for each employee or office. The contractor need not provide the list to a particular cooperative agreement holder more frequently than once a year. The cooperative agreement holders further disseminate the information to other firms within a geographic area defined in the individual cooperative agreements. The purpose of the cooperative agreements is for the agreement holders to provide procurement technical assistance to business entities within a specified geographic area. The list of points of contact regarding subcontracts under defense contracts, which is provided to small entities by the cooperative agreement holders, enables the small entities to more easily obtain subcontracts from defense contractors.

3. Information technology. Improved information technology is used to the maximum extent practicable. When DoD, the prime contractor, and the cooperative agreement holder are capable of electronic interchange, this information collection requirement may be accomplished electronically. This has the potential to reduce some of the burden because the cooperative agreement holders can compile and update the lists of points of contact at defense prime contractors using a database program.

4. Duplication. As a matter of policy, DoD reviews the DFARS to eliminate unnecessary duplication. This request for information applies solely to DoD contracts and does not duplicate any other requirement. Similar information is not already available to the Government.

5. Small business. The burden applied to small businesses is the minimum consistent with applicable laws, Executive Orders, regulations and prudent business practices.

6. Consequences for noncollection. Every attempt has been made to keep the frequency of collection to a minimum. However, this information collection complies with the 10 U.S.C. 2416 requirement for prime contractors to provide the information to cooperative agreement holders one a year.

7. Special circumstances. Collection of the information does not require any of the special circumstances cited at 5 CFR 1320.5(d)(2).

8. Public comments and consultation. This information collection is consistent with the guidelines in 5 CFR 1320.5(d). Public comments were solicited for 60 days in the Federal Register on November 8, 2013 (78 FR 67133) as required by 5 CFR 1320.8(d). No comments were received. A 30 day comment period was solicited in the Federal Register on January 13, 2014 (79 FR 2157). The Department did not directly receive any comment.

9. Payment to respondents. No payment or gift will be provided to respondents, other than remuneration of contractors under their contracts.

10. Confidentiality. This information is disclosed only to the extent consistent with prudent business practices, current regulations, and statutory requirements.

11. Sensitive questions. No sensitive questions are involved.

12. Estimate of public burden. The estimated costs are based on information generated from the FPDS using Fiscal Year 2012 data and estimates of processing times developed by contracting professionals familiar with cooperative agreements. Records in FPDS indicate there were about 7,000 contractors awarded contracts exceeding \$1,000,000 in Fiscal Year 2012. It is estimated that 90 percent of the awardees have been awarded contracts over \$1,000,000 in the past, so only 700 contractors would need to make initial information submissions. Based on experience, we estimate 2 hours to prepare the submissions and transmit them to the Government. The other 6,300 contractors

need only provide updates of information previously developed and provided. We estimate this takes 1 hour per contractor per year. This estimated number of respondents and hours are unchanged from the 2010 estimate. However, the total estimated cost increased by \$5775 due to use of a higher burden rate. Accordingly, the estimated the public burden is as follows-

Number of respondents (initial)		700
Responses per respondent	x	<u>1</u>
Number of responses		700
Average hours per response	x	<u>2.00</u>
Estimated hours		1,400
Cost per hour	x	<u>\$30.75</u>
Total annual Public cost		\$43,050

Number of respondents (updates)		6,300
Responses per respondent	x	<u>1</u>
Number of responses		6,300
Average hours per response	x	<u>1.00</u>
Estimated hours		6,300
Cost per hour	x	<u>\$30.75</u>
Total annual Public cost		\$193,725

Totals:

Number of respondents		7,000
Average responses per respondent	x	<u>1</u>
Number of responses		7,000
Average hours per response	x	<u>1.10</u>
Estimated hours		7,700
Average cost per hour*	x	<u>\$30.75</u>
Total annual Public cost		<u>\$236,775</u>

* The fully burdened rate of \$30.75 was developed using 2013 hourly labor rate of \$22.57 for a GS-9, step 5, plus a burden of 36.25 percent from OMB Circular A-76. This results in a fully burdened rate of \$30.75, rounded to the nearest cent. Although the estimated hours remain unchanged, the projected annual cost increased by \$5,775 from the 2010 estimate due to the increased burden rate.

13. Estimated nonrecurring costs. We estimate that there are no nonrecurring costs, i.e., capital and start-up, or operation and maintenance costs.

14. Estimated cost to Government. DFARS 252.205-7000 requires prime contractors to submit the requested information directly to the cooperative agreement holders. Since the Government does not review or participate in any manner in the transaction, there is no Government burden associated with this requirement.

15. Program changes. The estimated hours remain unchanged from the previous submission.

16. Publication. Results of this collection will not be published.

17. Expiration date. No approval, to not display the expiration dates for OMB approval of the information collection, is required.

18. Certification. There are no exceptions to the certification accompanying this Paperwork Reduction Act submission. Although the information collection requirement does not reduce the burden on small entities, the information is the minimum needed by contracting officers in order to reward contractors when establishing the price of certain negotiated defense contracts by recognizing their capital investment in facilities.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.

SUBPART 205.4--RELEASE OF INFORMATION

205.470 Contract clause.

Use the clause at 252.205-7000, Provision of Information to Cooperative Agreement Holders, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items that are expected to exceed \$1,000,000. This clause implements 10 U.S.C. 2416.

252.205-7000 Provision of Information to Cooperative Agreement Holders.

As prescribed in 205.470, use the following clause:

PROVISION OF INFORMATION TO COOPERATIVE AGREEMENT HOLDERS
(DEC 1991)

(a) Definition. "Cooperative agreement holder" means a State or local government; a private, nonprofit organization; a tribal organization (as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-268; 25 U.S.C. 450(c))); or an economic enterprise (as defined in section 3(e) of the Indian Financing Act of 1974 (Pub. L. 93-362; 25 U.S.C. 1452(e))) whether such economic enterprise is organized for profit or nonprofit purposes; which has an agreement with the Defense Logistics Agency to furnish procurement technical assistance to business entities.

(b) The Contractor shall provide cooperative agreement holders, upon their request, with a list of those appropriate employees or offices responsible for entering into subcontracts under defense contracts. The list shall include the business address, telephone number, and area of responsibility of each employee or office.

(c) The Contractor need not provide the listing to a particular cooperative agreement holder more frequently than once a year.

(End of clause)