

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACTION SUBMISSION
9000-0134, ENVIRONMENTALLY SOUND PRODUCTS**

A. Justification.

1. Administrative requirements. This information collection complies with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). RCRA requires the Environmental Protection Agency (EPA) to designate items which are or can be produced with recovered materials. RCRA further requires agencies to develop affirmative procurement programs to ensure that items composed of recovered materials will be purchased to the maximum extent practicable. Affirmative procurement programs required under RCRA must contain, as a minimum, (1) a recovered materials preference program and an agency promotion program for the preference program; (2) a program for requiring estimates of the total percentage of recovered materials used in the performance of a contract, certification of minimum recovered material content actually used, where appropriate, and reasonable verification procedures for estimates and certifications; and (3) annual review and monitoring of the effectiveness of an agency's affirmative procurement program.

The items for which EPA has designated minimum recovered material content standards are grouped into eight categories: (1) construction products, (2) landscaping products, (3) nonpaper office products, (4) paper and paper products, (5) park and recreation products, (6) transportation products, (7) vehicular products, and (8) miscellaneous products. The FAR rule also permits agencies to obtain pre-award information from offerors regarding the content of items which the agency has designated as requiring minimum percentages of recovered materials.

In accordance with RCRA, the information collection applies to acquisitions requiring minimum percentages of recovered materials, when the price of the item exceeds \$10,000 or when the aggregate amount paid for the item or functionally equivalent items in the preceding fiscal year was \$10,000 or more.

2. Uses of information. Contracting officers will use the information to verify offeror/contractor compliance with solicitation and contract requirements regarding the use of

recovered materials. Additionally, agencies will use the information in the annual review and monitoring of the effectiveness of the affirmative procurement programs required by RCRA.

3. Consideration of information technology. We use improved information technology to the maximum extent practicable. Where both the Government agency and contractors are capable of electronic interchange, the contractors may submit this information collection requirement electronically.

4. Efforts to identify duplication. This requirement is being issued under the Federal Acquisition Regulation (FAR) which 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. Section 6002 of RCRA imposes the same information collection requirements on both small and large businesses. The information collection is the minimum needed to comply with statutory requirements.

6. Describe consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently. Similar information is not already available to the Government.

7. Special circumstances for collection. The information collection is required (1) each time an offeror responds to a solicitation containing a requirement for a designated item, and (2) at the completion of the contract containing a requirement for an EPA designated item. Section 6002 of RCRA requires the collection of information for each offer and each resulting contract. The FAR rule requires reporting at the completion of each contract so that agencies can use the information in the annual review and monitoring of the effectiveness of the affirmative procurement programs required by RCRA. Collection is consistent with guidelines in 5 CFR 1320.6.

8. Efforts to consult with persons outside the agency. A 60 day notice published in the Federal Register at 79 FR 15591, on March 20, 2014. A 30 day notice was published in Federal Register at 79 FR 38029 on July 3, 2014. No comments were received on either notice.

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.**

52.223-4 Recovered Material Certification requires the contractor to certify, by signing the offer that the percentage of recovered materials content will be the amount required by the contract. In Fiscal Year (FY) 2013, the Federal Procurement Data System (FPDS) indicated that there were 28,086 prime contract awards. This data is based on input submitted into FPDS for element 8L - Recovered Materials/Sustainability.

Based on FY 2013 FPDS data, 12,484,770 contract actions were awarded to 165,366 unique vendors, or approximately 1.3245% (165,366/12,484,770) of contract actions. Applying 1.3245% to the 28,086 contract actions that this clause applies to, approximately 372 unique contractors would be awarded a contract action.

The estimated number of responses per respondent is based on the number of prime contract awards divided by the number of unique vendors or approximately 75.5 (28,086/372).

It is estimated that an average of 30 minutes will be required for offerors and contractors to research, prepare, and submit the required information.

Annual Reporting Burden

Number of respondents.....	372
Number of responses per respondent per year.....	<u>x75.5</u>
Total annual responses.....	28,086
Preparation time per response.....	<u>x .50</u>
Total response burden hours.....	14,043

Cost per hour.....	x \$55*
Estimated cost to public.....	\$772,365

* Based on the OPM salary table for calendar year 2013, we estimated an hour rate equivalent to a GS-13, Step-7, or \$40.07 per hour, plus 36.45 percent overhead burden which is the rate mandated by OMB for A-76 public-private competitions, and rounded to the nearest whole dollar, or \$55.00.

52.223-9 Estimate of Percentage of Recovered Material Content for EPA-Designated Items requires the contractor, on completion of the report to (a) estimate the percentage of the total recovered material content delivered or used in performance of the contract and (b) to submit an estimate. Alternatively, the contractor may execute a certification that it met the contract requirements for recovered material content.

In Fiscal Year (FY) 2013, the Federal Procurement Data System (FPDS) indicated that there were 16,308 prime contract awards. This data is based on input submitted into FPDS for element 8L - Recovered Materials/Sustainability.

Based on FY 2013 FPDS data, 12,484,770 contract actions were awarded to 165,366 unique vendors, or approximately 1.3245% (165,366/12,484,770) of contract actions. Applying 1.3245% to the 16,308 contract actions that this clause applies to, approximately 216 unique contractors would be awarded a contract action.

The estimated number of responses per respondent is based on the number of prime contract awards divided by the number of unique vendors or approximately 75.5 (16,308/216).

It is estimated that an average of 30 minutes will be required for offerors and contractors to research, prepare, and submit the required information. It is believed that most offerors and contractors are knowledgeable of the composition of the items that they provide. Therefore, compliance with this reporting requirement should not require a significant amount of research.

Annual Reporting Burden

Number of respondents.....	216
Number of responses per respondent per year.....	x 75.5

Total annual responses.....	16,308
Preparation time per response.....	x .5
Total response burden hours.....	8,154
Cost per hour.....	x \$55*
Estimated cost to public.....	\$448,470

* Based on the OPM salary table for calendar year 2013, we estimated an hour rate equivalent to a GS-13, Step-7, or \$40.07 per hour, plus 36.45 percent overhead burden which is the rate mandated by OMB for A-76 public-private competitions, and rounded to the nearest whole dollar, or \$55.00.

Total Annual Reporting Burden

The total annual reporting burden is the addition of the annual reporting burden calculated for both 52.223-4 and 52.223-9.

Respondents: 588
 Responses per Respondent: 75.5
 Annual Responses: 44,394
 Hours per Response: .5
 Total Burden Hours: 22,197

14. **Estimated cost to the Government.** It is estimated that the Government will spend an average of 15 minutes reviewing and analyzing each response.

Annual Recordkeeping Burden and Cost

Total annual responses.....	44,394
Review time per response.....	x .25
Total burden hours.....	11,098.50
Cost per hour	x \$55*
Total Government cost.....	\$610,417.50

* Based on the OPM salary table for calendar year 2013, we estimated an hour rate equivalent to a GS-13, Step-7, or \$40.07 per hour, plus 36.45 percent overhead burden which is the rate mandated by OMB for A-76 public-private competitions, and rounded to the nearest whole dollar, or \$55.00.

15. **Explain reasons for program changes or adjustments reported in Item 13 or 14.** This submission requests an extension of OMB approval of an information collection requirement in the FAR. A reassessment of the recovered

material provision, FAR 52.223-4, and clause, FAR 52.223-9, was performed. Based on the comprehensive reassessment performed, this information collection resulted in a small increase in the total burden hours from the previous information collection that was published in the Federal Register at 76 FR 40368 on July 08, 2011. The increase is likely a result of increased awareness about green purchasing across the Federal Government. The Federal Procurement Data System (FPDS) was searched to determine the use of the provision and clause using element 8L Recovered Materials/Sustainability for Fiscal Year 2013. No public comments were received in prior years that have challenged the validity of the Government's estimate. Updates were made to the average wages and overhead based on Fiscal Year 2013 Office of Personnel Management and Office of Management and Budget rates.

16. Outline plan 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. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.