

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

A. Justification

1. Circumstances that make the collection of information necessary.

Federal Acquisition Regulation clause 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts, requires prime contractors to report annually the product types and dollar values of U.S. Department of Agriculture (USDA)-designated biobased products purchased. The information reported by prime contractors enables Federal agencies to report annually to the Office of Federal Procurement Policy (OFPP) concerning actions taken to implement and measure progress in carrying out the preference for biobased products required under section 9002 of the Farm Security and Rural Investment Act of 2002, codified at 7 U.S.C. 8102.

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 60 day notice published in the *Federal Register* at 79 FR 49318, on August 20, 2014. No comments were received. A 30 day notices was published in the *Federal Register* at 79 FR 64596, on October 30, 2014.

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 and cost burden.

52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts, requires the contractor to prepare and submit a report into SAM identifying the product types and dollar values of biobased products purchased.

To determine the number of contractors performing construction and service contracts that may involve the purchase of USDA-designated biobased products, information was generated from FPDS using fiscal year 2013 (FY13) data. 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.

The clause will apply to the majority of the contract actions in the selected PSCs. Based on the FY13 FPDS there were 64,123 unique DUNS numbers.

It is estimated that each respondent will submit on average five responses per year.

It is estimated that it will take five 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.

The estimated total burden is as follows--

Number of respondents	64,123
Responses per respondent	<u>X 5</u>
Number of responses	320,615
Avg. hours per response	<u>X 5</u>
Estimated hours	1,603,075
Cost per hour ²	<u>X 55.00*</u>
Total annual public burden	\$88,169,125

* 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.

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. FY13 FPDS data was used, and estimates of processing times from contracting professionals. The estimated total cost is as follows--

Number of responses	320,615
Avg. hours per response	<u>X 1.5</u>
Estimated Hours	480,922.50
Cost per hour ¹	<u>X \$55.00*</u>
Total annual Government cost	\$26,450,737.50

* 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 adjustment 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 52.223-2 was performed. Based on the comprehensive reassessment performed, this information collection resulted in an increase in the total burden hours from the previous information collection that was published in the Federal Register at 76 FR 81940 on December 29, 2011. Federal Procurement Data System (FPDS) was searched to determine the number of unique DUNS numbers for 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. The clause will apply to the majority of the contract actions in the selected PSCs. The increase is likely a result of increased awareness of the biobased requirements and use of the contract clause in service and construction contracts. 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 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.