

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
9000-0142, PAST PERFORMANCE INFORMATION**

A. Justification

1. **Administrative requirements.** This is a request for revision of a currently approved information collection requirement under OMB Control Number 9000-0142 for Past Performance Information, Federal Acquisition Regulation (FAR) 15.304 and 42.15.

Past performance information is relevant information regarding a contractor's actions under previously awarded contracts or orders, for future source selection purposes. Source selection officials may obtain past performance information from a variety of sources, to include the Past Performance Information Retrieval System (PPIRS). This information contained in PPIRS is automatically transmitted from the Contractor Performance Assessment Reporting System (CPARS), a Government-wide evaluation reporting tool. Past performance evaluation reports are required to be entered prepared in CPARS at least annually and at the time the work under a contract or order for the covered contracts at FAR 42.1502.

Agency evaluations of contractor performance, including both negative and positive evaluations, prepared under subpart 42.15 shall be provided to the contractor as soon as practicable after completion of the evaluation. The contractor will receive a CPARS system-generated notification when an evaluation is ready for comment. Contractors shall be afforded up to 14 calendar days from the date of notification of availability of the past performance evaluation to submit comments, rebutting statements, or additional information.

When past performance is to be evaluated during source selection, the FAR specifies that the solicitation shall describe the approach for evaluating past performance information and provide offerors an opportunity to identify past or current contracts (including Federal, State and local government, and private) for efforts similar to the Government requirement. The solicitation shall also authorize offerors to provide information on problems encountered on the identified contracts and the offeror's corrective actions. The Government shall consider this past

performance information, as well as information obtained from any other sources, when evaluating the offeror's past performance. The content and format of past performance evaluation shall be established in accordance with agency procedures and should be tailored to the size, content, and complexity of the contractual requirements.

2. Uses of information. Past performance information provided by contractors is used to support future award decisions.

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

6. Describe consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently. Collection of information on a basis other than solicitation-by-solicitation is not practical.

7. Special circumstances for collection. Collection of information is consistent with the 5 CFR 1320.6 guidelines.

8. Efforts to consult with persons outside the agency. A request for public comments was published in the Federal Register at 79 FR 68683, November 18, 2014. Five comments were received from two respondents. The following is an analysis of the public comments:

Comment: The respondent commented on a Federal Aviation Administration's Notice of Proposed Rule Making in regards to the "Flight Simulation Training Device Qualification

Standards for Extended Envelope and Adverse Weather Event Training Tasks.”

Response: The respondent’s comments are outside the scope of this information collection.

Comment: The respondent commented that the Agency’s estimate of two hours per response underestimates the hours it takes for contractors to respond to source selection requirements related to past performance.

Response: Two hours is the average amount of time to read and prepare information on a company’s past performance for source selection purposes. The estimate considered the amount of time a simple or standard disclosure might require in response to non-complex solicitations, in some cases by businesses with limited experience, as well as the time that might be required for a very complex disclosure by a major corporation. In addition, the estimated burden hours include only projected hours for those actions which a company would not undertake in the normal course of business. Maintaining information and references on work they have performed in the past are considered actions undertaken in the normal course of business.

Comment: The respondent commented that the Agency’s methodology for preparing burden estimates is faulty resulting in unrealistically low estimates, which sets unreasonable expectations for turnaround time and disguises the true cost of the responses.

Response: The burden estimate is prepared taking into consideration the necessary criteria in OMB guidance for estimating the paperwork burden put on the entity submitting the information. For example, consideration is given to an entity reviewing instructions; using technology to collect, process, and disclose information; adjusting existing practices to comply with requirements; searching data sources; completing and reviewing the response; and transmitting or disclosing information.

Careful consideration went into assessing the estimated burden hours for this collection, and the collection requirements at FAR 15.304 and 42.15 remains the same. There is no change to the estimated number of hours per response associated with this request for extension; rather, the estimated number of responses was reduced based on data

available Federal Procurement Data System (FPDS) and CPARS regarding awards in Fiscal Year (FY) 2014.

Comment: In the past, including in connection with FAR Case 2007-006, the Agency both acknowledged that the initial estimate was unrealistically low while also defending the methodology that it used to develop the unrealistic estimate.

Response: Serious consideration is given, during the open comment period, to all comments received and adjustments are made to the paperwork burden estimate based on reasonable considerations provide by the public. This is evidenced, as the respondent notes, in FAR Case 2007-006 where an adjustment was made from the total preparation hours from three to sixty. This change was made considering particularly the hours that would be required for review within the company, prior to release to the Government.

Comment: The respondent commented that granting the extension would violate at least the spirit of the Paperwork Reduction Act (PRA).

Response: The PRA was designed to improve the quality and use of Federal information to strengthen decision-making, accountability, and openness in government and society. Central to this process is the solicitation of comments from the public. This process incorporates an enumerated specification of targeted information and provides interested parties a meaningful opportunity for comment on the relevant compliance cost. This process has led to decreases in the overall collective burden of compliance for the information collection requirement in regards to the public. Based on OMB estimates, in FY 2010, the public spent 8.8 billion hours responding to information collections. This was a decrease of one billion hours, or ten percent from the previous FY. In effect, the collective burden of compliance for the public is going down as the Government publishes rules that make the process less complex, more transparent, and reduce the cost of Federal regulations.

9. Explanation of any decision to provide any payment or gift to respondents, other than reenumeration of contractors or guarantees. Not applicable.

10. **Describe assurance of confidentiality provided to respondents.** This information will be 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 hours and cost burden.**

a. **Responses during Source Selection:** According to FPDS, 27,734 competitive awards (excluding task orders/delivery orders/calls) in excess of the Simplified Acquisition Threshold were made in FY 2014. Subject matter experts estimate two hours as the average time required to read and prepare information for this collection. It is also estimated that the average number of offerors per solicitation would be four.

Number of solicitations	27,734
Number of responses per solicitation.	x 4
Total annual responses.	110,936
Estimated hours per response.	x 2
Response burden hours	221,872

b. **Responses in CPARS:** According to the CPARS quarterly metrics, from the first through the fourth quarter of FY 2014, 177,396 contracts were registered in CPARS. Subject matter experts estimate two hours is the average amount of time to read and prepare information for this collection, considering that contractors generally do not comment on past performance evaluations, unless negative information is reported.

Estimated number of respondents	177,396
Number of responses per respondent.	x 1
Total annual responses.	177,396
Estimated hours per response.	x 2
Response burden hours	354,792

c. **Total Annual Burden Estimate:** The total estimated burden is based on the sum of burden hours for responses provided during source selection and in CPARS. The average cost per hour is based on the OPM GS-11/step 5 salary (\$27.58 an hour) plus 36.25 percent burden, rounded to the nearest dollar, or \$38 an hour. The burden rate used is

that mandated by OMB memorandum M-08-13 for use in public-private competition, as updated by OMB for the current year. (Reference Salary Table 2014-GS, effective January 2014, found at www.opm.gov)

Total annual burden hours	576,664
Average cost per hour	X <u> \$38</u>
Cost to respondents	\$21,913,232

14. Estimated annual cost to the Government. The time required for Government review is approximately 1 hour per response.

Total annual responses	288,332
Review time per response	X <u> 1</u>
Total burden hours	288,332
Average cost per hour.	X <u> \$38</u>
Total Government cost.	\$10,956,616

* Based on the OPM GS-11/step 5 salary (\$27.58 an hour) plus 36.25 percent burden, rounded to the nearest dollar, or \$38 an hour. The burden rate used is that mandated by OMB memorandum M-08-13 for use in public-private competition, as updated by OMB for the current year. Reference Salary Table 2014-GS, Effective January 2014, found at www.opm.gov)

15. Explain reasons for program changes or adjustments reported in Item 13 or 14. The information collection requirements at FAR 15.304 and 42.15 remains the same; however, the public burden has been adjusted downward. The estimated responses used to calculate the burden is based on the availability of data on FY 2014 awards from existing systems (FPDS and CPARS).

16. Outline plans 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

Results of this information collection will not be published for statistical use.