

SUPPORTING STATEMENT FOR THREE YEAR EXTENSION

OMB CONTROL NUMBER 3038-0031

PROCUREMENT CONTRACTS

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The information collected under this request is gathered through the use of forms specific to a contract or contracting action. The standard forms are prescribed for use by agencies in connection with the procurement of supplies, purchase and delivery orders, non-personal services, construction, award of contracts and solicitations as specified in the Federal Acquisition Regulations (48 CFR 1-53). The information provided on the forms is specific and generally does not require additional information or questions. The numbers contained in this justification differ from those in the 60-day notice because of a revised estimate of the number of respondents and because of the increase in the number of Contracting Officers employed full-time at the agency.

2. Indicate how, by whom and for what purpose the data would be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information provided on the forms by vendors enables them to compete for the award of contracts for services and supplies. The information is used by the Commission in deciding whether to award individuals or firms a government contract. Vendors would be deprived of the opportunity to do business with the Government if the collection of information was not conducted.

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 submissions of responses and the basis for the decision adopting this means of collection. Also to describe any consideration of using information technology to reduce burden.

This collection normally utilizes data generated and submitted electronically using IT due to its efficiency.

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.

Duplication does not exist.

5. If the collection of information involves small business or other small entities (Item 5 of OMB 83-I), describe the methods used to minimize burden.

Only essential information is requested from small businesses. Small business set-aside programs and small purchase procedures are developed to minimize the burden on small businesses.

6. Describe the consequences to the Federal Program or policy activities if the collection were conducted less frequently as well as any technical or legal obstacles to reducing burden.

This question does not apply. Collection information is only initiated when a service or supply is being acquired and then, only from companies competing for award.

7. Explain any special circumstances that require the collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly:

This question does not apply.

- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it:

For a time sensitive critical procurement, respondents could be required to prepare a written response in as little as 7 days, but only when it is feasible to do so.

- requiring respondents to submit more than an original and two copies of any document:

This rarely happens, and only in circumstances whereby more than three CFTC staff members will be evaluating proposals.

- requiring respondents to retain records other than health, medical, government contract, grant-in-aid or tax records, for more than three years:

This question does not apply.

- 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:

This question does not apply.

- requiring the use of a statistical data classification that has been reviewed and approved by OMB:

This question does not apply.

- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use: or

This question does not apply.

- requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This question does not apply.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice required by 5 C.F.R. 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 agency in response to these comments. Specifically address comments received on cost and hour burden.

The rules -- and subsequent revisions thereto -- were published for comment in the Federal Register – 80 FR 77615, Dec. 15, 2015. No public comments were received.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping disclosure, or reporting format (if any, and on the data elements to be recorded, disclosed, or reported.

The Commission sought public comments on the collection of information. No comments were received.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years—even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Not Applicable

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

Does not apply.

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

The Commission does not provide respondents with an assurance of confidentiality beyond that provided by applicable law. Section 8(a)(1) of the CEA provides for the confidentiality of data and information except under the limited circumstances delineated therein.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the 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.

None of the regulations require the giving of sensitive information, as that term is in question 11.

12. Provide estimates of the hour burden of the collection of information.

Reporting Requirements

<u>Form No.</u>	<u>Estimated No. of Respondents Per Year</u>	<u>Estimated Average No. of hours per Form</u>	<u>Estimated Total Burden in FY</u>
SF 18	72	1.5	108
SF 26/33	6	40.5	243
SF 30	66	.15	10
SF 1442	2	14.0	28
Representations & Certifications	<u>0</u>	<u>.5</u>	<u>0</u>
TOTALS	146	N/A	389
Competition Adjustment	<u>x 2.0</u>	<u>N/A</u>	<u>x 2.0*</u>
Total Reporting Requirements	292		778

*In competitive acquisitions, the Commission receives more than one response to each solicitation. Therefore, the figures above were multiplied by 2 to reflect an estimate of the effects of comparison.

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.)

Assume a record keeping burden of approximately 2 hour per respondent per year, for a total of 778 hours. At \$25/hour for administrative support, this translates into a cost of \$19,725.00.

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

It is estimated that it costs the Government \$194,800.00 annually to collect and sufficiently analyze the information received from the public on the forms listed in Question 12 above. This figure represents a percentage (20%) of the annual salaries (including benefits and overhead) of contracting officers that is proportional to the time spent in analyzing data submitted on the

various contracting forms.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB form 83-I.

Changes reflect the fact that acquisition requirements change from year to year and an increase in the number of Contracting Officers that work at the agency.

16. For collection of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis and publication. 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.

This question does not apply.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This question does not apply.

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

This question does not apply.