

**SUPPORTING STATEMENT
FOR INFORMATION COLLECTION SUBMISSION
9000-0083, QUALIFICATION REQUIREMENTS**

A. Justification.

1. **Administrative requirements.** This is a request for extension of the information collection requirement currently approved under OMB Control Number 9000-0083, Qualification Requirements, (Federal Acquisition Regulation (FAR)) Subpart 9.2, 52.209-1. In a wide variety of service and supply areas, Government contract requirements may include qualification requirements for testing or other quality assurance demonstration that must be completed before award of a contract. This information collection is necessary to provide the contracting officer with relevant information when an offeror, manufacturer, source, product or service covered by a qualification requirement has met the standards specified.

Qualification Requirements (52.209-1).

- Agency heads are authorized to establish qualification requirements in accordance with the policy at FAR 9.202.
- If a qualification requirement applies to an acquisition, the contracting officer need consider only those offers identified as meeting the requirement or included on the applicable Qualified Products List (QPL), Qualified Manufacturers List (QML), or Qualified Bidders List, unless an offeror can satisfactorily demonstrate to the contracting officer that it or its product or its subcontractor or its product can meet the standards established for qualification before the specified date of award. (FAR 9.206-1)
- FAR 9.206-2 prescribes inclusion of the clause at 52.209-1, Qualification Requirements, in solicitations and contracts when the acquisition is subject to a qualification requirement.
- The clause at 52.209-1:
 - Defines “Qualification requirement” as used in the clause;
 - Provides notification to offerors that-
 - One or more qualification requirements apply to the supplies or services covered by the contract;
 - The offerors proposed product, manufacturer, or source must have demonstrated that it meets the standards prescribed for qualification before award of the contract;
 - Offerors should contact the agency activity designated in the clause to obtain all requirements that they or their products or services, or their subcontractors or their products or services, must satisfy to become qualified and to arrange for an opportunity to demonstrate their abilities to

meet the standards specified for qualification;

- If, after award, the contracting officer discovers that an applicable qualification requirement was not in fact met at the time of award, the contracting officer may either terminate the contract for default or allow performance to continue if adequate consideration is offered and the action is determined to be otherwise in the Government's interests;
 - Award of the contract shall not be delayed to permit an offeror to submit evidence of qualification; and
 - Any change in location or ownership of the plant where a previously qualified product or service was manufactured or performed, or change in location or ownership of a previously qualified manufacture or source requires reevaluation of the qualification, which must be accomplished before the date of contract award.
- Paragraph (c) of the clause at 52.209-1 includes a request for the following information if an offeror, manufacturer, source, product or service covered by a qualification requirement has already met the standards specified:
 - Offeror's Name;
 - Manufacturer's Name;
 - Source's Name;
 - Item Name;
 - Service Identification; and
 - Test Number (to the extent known)

2. **Uses of information.** The contracting officer uses the information provided by offerors as a means of determining eligibility for award whenever the clause at 52.209-1 is included in a solicitation. Alternatively, items not listed may still be considered for award upon submission of evidence of qualification prior to contract award.

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 contractor may submit this information collection requirement electronically.

4. **Efforts to identify duplication.** This requirement is being issued under the FAR which has been developed to standardize Federal procurement practices and eliminate unnecessary duplication. In fact, the information collection associated with the clause at FAR 52.209-1 was designed to eliminate the need for the public to provide duplicative and more burdensome

information when an offeror, manufacturer, source, product or service covered by a qualification requirement has already met the standards specified by an agency in a solicitation.

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. Because qualification requirements apply only to certain acquisitions for supplies and services, collection of information on a basis other than solicitation-by-solicitation is not practical.

7. Special circumstances for collection. Collection is consistent with guidelines in 5 CFR 1320.6.

8. Efforts to consult with persons outside the agency. A 60-day notice was published in the *Federal Register* at 80 FR 78233, on December 16, 2015. No comments were received. A 30-day notice was published in the *Federal Register* at 81 FR 12493 on March 9, 2016.

9. Explanation of any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees. There will be no payment or gift to respondents, other than remuneration of contractors.

10. Describe assurance of confidentiality provided to respondents. This information is disclosed only to the extent consistent with prudent business practices, law and regulation.

11. Additional justification for questions of a sensitive nature. No sensitive questions are involved.

12 & 13. Estimated total annual public hour and cost burden. There is no Governmentwide data collection process or system, e.g., Federal Procurement Data System (FPDS) which identifies the number of solicitations issued that include qualification requirements. However, 159,960 unique vendors were awarded contracts during Fiscal Year 2014. It is estimated that 5 percent of the 159,960 vendors would have received awards for solicitations in which the clause at FAR 52.209-1 was used and contained one or more qualification requirements.

In addition to the number of respondents, a change is being made regarding the estimated number of responses annually from 100 (in the currently approved burden) to an estimated average of 5 responses annually (i.e., the number of proposals submitted per respondent). The estimate of 100 responses per respondent was based on an estimated number of qualification requirements contained in each solicitation rather than an estimate of the number of proposals received per solicitation issued. For purposes of this clearance, time required to read and prepare information is estimated at one hour per submission (this is the average time estimated to provide information on one to four qualified products).

Estimated respondents/yr.....	7,998
Responses annually.....	<u>x 5</u>
Total annual responses.....	39,990
Estimated hrs/response.....	<u>x 1.0</u>

Estimated total burden/hrs.....	39,990
Average wage* (\$30.81 + 36.45% OH).....	X <u>\$42</u>
Estimated cost to public.....	\$1,679,590

*The estimated cost per response is approximately \$42.00

* Rate based on the equivalent to a GS-12, Step 3 or \$30.81/hour (from the OPM 2012 GS Salary Table), plus overhead at 36.45 percent (the OMB-mandated burden rate for A-76 public-private competitions), and rounded it to the nearest whole dollar, or \$42/hour. The estimated cost per response is \$42.

14. **Estimated cost to the Government.** Time required for Governmentwide review is estimated at 0.5 hours per response.

Annual Reporting Burden and Cost

Total annual responses.....	39,990
Review time per response.....	x <u>.5</u>
Total burden hours.....	19,995
Average wages and overhead**(\$30/hr + 36.45% OH).....	x <u>\$41</u>
Total Government cost	\$ 819,795

** Rate based on \$30 an hour from the OPM Salary Table for a GS-09, step 5 plus 36.45 percent burden rounded to the nearest dollar, or \$41 an hour.

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. The adjustment to the estimated number of respondents, responses and burden hours are explained in item 13. An adjustment is also being made to the average wages and overhead calculation for public and Government costs based on Office of Personnel Management 2012 salary information.

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.

Statistical methods are not used in this information collection.