

**SUPPORTING STATEMENT
2017
OMB Control No. 0572-0059**

Telecommunications System Construction Policies and Procedures

A. Justification

1. Explain the circumstances that make the collection of information necessary.

The Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.*, as amended (RE Act), states in Title I, sec. 2, that the Administrator of the Rural Utilities Service (RUS or the Agency) is authorized and empowered to make loans in the several states and territories of the United States for rural electrification and the furnishing of electric energy to persons in rural areas telephone service in rural areas, as hereinafter provided; to make or cause to be made, studies, investigations, and reports concerning the condition and progress of the electrification of and the furnishing of adequate telephone service in rural areas in the several states and territories; and to publish and disseminate information with respect thereto.

In 2002, the RE Act was amended by Title IV, Rural Broadband Access, of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) (2002 Farm Bill). The 2002 Farm Bill amendment authorizes and empowers the RUS Administrator to provide loan and guarantees to fund the cost the cost of construction, improvement, or acquisition who are not receiving central station service, and for the purpose of furnishing and improving for facilities and equipment for the provision of broadband service in eligible rural communities in the States and Territories of the United States.

The terms of a loan are based on the expected composite economic life based on the depreciation rates of the facilities financed. The term of the loan can be as high as 25 years or even longer. These loans are secured by a first mortgage on the borrower's broadband system. In the interest of protecting loan security and accomplishing the statutory objective of a sound program of rural broadband service access, Title VI of the RE Act further requires that the Agency make or guarantee a loan only if there is reasonable assurance that the loan, together with all outstanding loans and obligations of the borrower, will be repaid in full within the time agreed.

In the interest of protecting loan security and accomplishing the statutory objective of a sound program of telecommunication, Title II, sec. 201 further states that loans shall not be made unless the Administrator finds and certifies that in his judgment the security therefore is reasonably adequate and such loan will be repaid within the time agreed.

In order to facilitate the programmatic interests of the RE Act, and, in order to assure that loans made or guaranteed by the Agency are adequately secured, the Agency, as a secured lender, has established certain forms for materials, equipment, and construction of telecommunications systems. The use of standard forms for materials, equipment and constructions units helps assure the Agency that:

- a. Appropriate processes and procedures are maintained;
- b. Agency loan security is not adversely affected; and
- c. Loan and loan guarantee funds are used effectively and for the intended purposes.

These procedures apply to procurement and construction for all projects which will or may be financed, in whole or in part, with loans made or guaranteed by the Agency. These requirements are set forth in the standard form of the Agency mortgage.

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

This information is used to implement certain provisions of the Agency standard form of loan documents regarding the borrower's purchase of materials and equipment and the construction of its broadband system by contract. In the telecommunications industry, when a cooperative or company enters into contracts for services, some type of contract form is used. The Agency has developed the specific forms cleared with this package to be used by its borrowers when entering into contracts for goods or services. Standardization of forms by the Agency results in substantial savings to:

- a. Borrowers: If standard forms were not used, borrowers would need to prepare their own documents at a significant expense; and
- b. Government: If standard forms were not used, each document submitted by a borrower would require more extensive and more costly review by both the Agency and the Office of the General Counsel.

Subpart A of 7 CFR 1753.3 and 7 CFR 1753.6 includes some pre-construction review paperwork burdens for which there are no forms. These burdens are reflected on the reference spreadsheet under their CFR section references. These burdens include:

- a. 7 CFR 1753.3 requires a borrower to send a letter, which could be as short as 1 page, to the Agency requesting approval for any construction which is not in conformance with Agency standards and specifications or detailed on the loan design that the Agency has approved. This provides the Agency with the means to review proposed construction to be certain that the design will provide for effective and proficient facilities and preserve loan security.

- b. 7 CFR 1753.6 requires borrowers to send a letter to obtain Agency approval to incorporate used materials and equipment or materials and equipment that do not comply with Agency standards and specifications. The purchase of previously used equipment using RUS funds is not permitted. The use of previously used equipment not purchased using RUS funds requires RUS approval as it has an impact on the overall project. This provides the Agency with the means to review proposed construction materials to be certain that the quality and design will provide for effective and proficient facilities and preserve loan security.

The Agency requires the submission of a form contract only when the contract is subject to Agency approval. The Agency also requires that the borrower maintain the contract as part of its record retention and accounting system as required by 7 CFR Part 1767 (0572-0003).

Since the previous collection cycle, RUS has streamlined the contracting process. This streamlining has resulted in the elimination of standard RUS Forms 397, 397 (b,c,d,g,h), 398, 525, 545, and associated documents (Forms 231, 396, 396a, 517, 525a, 744, 752a, 754, and addenda). New contract RUS Form 395 and associated close-out documents (Forms 395a, 395b, 395c and 395d) have replaced the RUS Forms 397, 398, 525, 545, and associated documents (Forms 231, 396, 396a, 517, 525a, 744, 752a, 754, and addenda) and are accounted for under OMB Control No.0527-0149.

The specific purposes and uses of each component of this information collection are addressed as follows:

FORMS APPROVED WITH THIS COLLECTION

Contract forms associated with this collection package are only used by approved RUS Telecom/Broadband grant recipients and loan borrowers and are not intended for use by any other parties.

Once an applicant has been approved for a loan or grant and signs the appropriate agreements, a RUS Telecom/Broadband General Field Representative (GFR) personally meets with them to provide guidance and detailed instructions on the construction, contracting, funds advancement, and agency reporting policies, procedures, and requirements. The GFR provides the borrower/recipient with a complete review of 7 CFR 1753, the “master set of instructions” for Telecommunications System Construction Policies and Procedures. The GFR also specifically outlines the proper selection and use of relevant forms for the borrower/grant recipient and works with them to complete the forms. The instruction time is calculated and included as a part of the per response time of each form.

RUS Form 157, Construction Work Plan and Cost Distribution – Telephone – Borrowers on the Construction Certification Program use this form to show how they plan to implement the construction in an approved loan. Certification borrowers have their own engineering and technical staff and so RUS support is reduced. For example, the borrowers approve their own contracts. RUS continues to review and approve work plans and FRs against those plans. Since Certification borrowers proceed somewhat independently, this form provides an important opportunity for the Agency to advise borrowers of proposed construction methods that may not ultimately meet the requirement of 7 CFR 1753.

RUS Form 158, Certification of Contractor or Force Account Proposal Approval – Certification borrowers use this form to provide the Agency with legal certification and the details regarding completed construction, whether by contract or by the borrower’s own forces (force account), which is used as supporting information included with a request for advance of loan funds. This information provides the Agency with a validated instrument substantiating that advances are for legitimate and approved projects included in approved loans.

RUS Form 159, Summary of Completed Construction – This form is used by borrowers to provide the Agency with legal certification and the details regarding completed construction which is attached as supporting information with requests for advances of loan funds. This information provides the Agency with a validated instrument substantiating that advances are for legitimate and approved projects included in approved loans.

RUS Form 179, Architects and Engineers Qualifications – This form is used by the Agency to establish and verify the qualifications of the architects and engineers a borrower would use on various facilities projects.

RUS Form 216, Construction Change Order – This form is used to identify authorized changes made in a contract using RUS Form 515 so that those changes can be accounted for properly. RUS loan security is enhanced by this information because it ensures that changes are tracked with the additional costs they involve.

RUS Form 217, Postloan Engineering Services Contract - Telecommunications Systems - This form is used to secure the services of a consulting engineer, and establishes terms and conditions for the duties and responsibilities of the engineer with regard to a borrower’s project. The following listed attachments are attached to and made part of this contract in order to obtain this information for specified services:

- RUS Form 217a-Project Design, Assistance and Coordination;
- RUS Form 217b-Central Office Equipment Engineering Services;
- RUS Form 217c-Transmission Facilities Engineering Services;
- RUS Form 217d-Building Engineering Services;
- RUS Form 217e-Outside Plant Staking Services;
- RUS Form 217f-Outside Plant Contract Document Phase Engineering Services; and
- RUS Form 217g-Outside Plant Construction Phase Engineering Services.

RUS Form 242, Assignment of Engineering Service Contract – The form is used to transfer the responsibilities of completing the performance of engineering services to another engineering firm. Except for the inclusion of terms and conditions related to Public Laws and Executive Orders, etc., this type of contract would be used by respondents under normal business practice.

RUS Form 245, Engineering Service Contract, Special Services – Telephone –This form is used to engage a consulting engineer to perform special services.

RUS Form 270, Equal Opportunity Addendum – Contractors are required to attached this form to construction contracts to provide certification that they will abide by United States Equal Opportunity laws. This form provides the Agency assurance that these important provisions are considered and observed.

RUS Form 274, Bidder's Qualifications – This is a suggested form for borrowers to provide to prospective bidders to determine whether a contractor has sufficient resources and experience to undertake a project of the type and size defined in the plans and specifications. This form helps ensure that all contractors are treated equitably in the qualification process.

RUS Form 276, Bidder's Qualifications for Buried Plant Construction – This is a suggested form for borrowers to provide to prospective bidders to determine whether a contractor has sufficient resources and experience to undertake a project of the type and size defined in the plans and specifications for buried plant construction. This form helps ensure that all contractors are treated equitably in the qualification process.

RUS Form 281, Tabulation of Materials Furnished by Borrower – This form is used by borrowers to report the owner furnished materials the borrower provides a contractor for use in a project on RUS Form 515 or RUS Form 773. The form ensures that the contractor is aware of the value of the materials and that the borrower will be billed properly under the contract. This form facilitates competitive bidding and enables borrowers to use specialized materials or excess materials in inventory. It facilitates efficiency, high quality plant, and flexibility in the construction process. This enhances the Agency security.

RUS Form 282, Subcontracts - (Under Construction or Equipment Contracts) – This form is used with RUS Forms 257, and 515 for the contractor to subcontract work to subcontractors. Borrowers and contractors' sureties need to maintain control over, and knowledge of, the subcontractors that their prime contractor brings onto a job. This form is used by a contractor to receive the approval of the borrower, the Agency and the surety for subcontractors that the contractor might employ in the course of completing an Agency construction project. This form provides all parties and the Agency with assurance that the contractor will use subcontracting companies that will observe all Agency contracting provisions.

RUS Form 284, Certificate of Architect – This is used to closeout RUS Form 220. The form provides a statement of all architectural services costs related to an Agency financed building project.

RUS Form 375, Interim Financing Construction – This form is used with any contract to indicate to the contractor that the Agency has not made a loan for the construction covered by the contract (or that funds are not released) and that other sources of funds will be used for payment under the contract.

RUS Form 390, Software License Agreement – This form is used when the manufacturer of the equipment requires a software license in order that the borrower may use the equipment. It is used with RUS Form 773.

RUS Form 506, Statement of Engineering Fees – Telecommunications – This form is used by the engineer to provide estimate of the engineering fees that will be incurred on an Agency approved project.

RUS Form 515, Telephone System Construction Contract (Labor and Materials) – This form is used for the construction of outside plant facilities. Borrowers use this form to establish the legal terms and conditions and expected performance of a contractor for a construction project involving outside plant telecommunications construction. This form provides the Agency with assurances that construction and facilities will be completed in accordance with the plans and specifications and Government contracting requirements. The form facilitates the competitive bidding process by providing uniform recognized requirements for all bidders. It creates a unit basis for specifying, pricing, and accounting for construction.

RUS Form 517, Results of Acceptance Tests – Engineers use this form to report to the borrower and the contractor the results of testing that is undertaken to be assured that a digital switch has been installed properly and that it works as required by the plan and specifications. The results of this form assure that the financing will result in a reliable, revenue-producing, secure, project.

RUS Form 521, BiWeekly Progress Report of Telephone Construction & Engineering Services – This form is used by the Agency to monitor the progress of a borrower’s project until completion with regard to engineering and construction services for a borrower’s project.

RUS Form 527, Statement of Construction Telephone System - Outside Plant – This form is used to close out RUS Form 515. This form is used by the engineer to detail, for the closeout documents, the additions and deletions that were made on an Outside Plant project. It provides all costs and an accounting of the units installed and the mileage of construction completed. The form is part of the legal record of the closing of a Form 515 contract. The form provides the Agency with assurances that project facilities are properly counted and summarized.

RUS Form 724, Final Inventory, Telephone Construction Contract (Labor and Materials) – This form is used to closeout RUS Form 515. Borrowers use the information on this form to enter accounting records for the completed construction units into their permanent property accounts. This form is prepared by the engineer and certifies that: (1) the project is complete, (2) facilities meet Agency requirements and the requirements of the plans and specifications, (3) there are no outstanding liens on the project, and (4) that the stated accounting of all construction units truly represents the construction. This form is an integral part of the legal closing of the contract.

RUS Form 724a, Final Inventory, Telephone Construction Contract (Labor and Material) – This form is used to closeout RUS Form 515 and is an attachment to RUS Form 724. This form provides the detailed listing of the final construction units that were *installed* (added) in the project such as cable, lines etc.

RUS Form 724b, Final Inventory, Telephone Construction Contract (Labor and Materials) - This form is used to closeout RUS Form 515 and is an attachment to RUS Form 724. This form provides the detailed listing of the final construction units that were *removed* in order to complete the project. This form is not used with much frequency because a borrower is typically installing units and not removing them from a project.

RUS Form 743, Certificate of Contractor and Indemnity Agreement (Line Extensions) – This form is used to closeout RUS Form 773. Borrowers use it to be certain that the contractor retained for minor construction contracts has paid all material suppliers and subcontractors, and that there are no outstanding liens on the completed project. This certification provides the borrower with assurances that there will not be any, unexpected, additional costs for completed construction. This form is part of the legal closing of a minor construction contract.

Engineer and Architect Contract Closeout Certification (7 CFR 1753.18) – A certification of completion and inspection of construction as evidence of completion of a major construction project.

RUS Form 756, Contract Closeout Certification – This form is used to closeout RUS Forms 257, and 515. Borrowers use this form to account for completion of a contract. The Agency receives assurances from the borrower and engineer that: (1) the project was constructed in compliance with the established plans and specifications and Agency requirements, (2) the contractor has met contract obligations, and (3) a summary of all costs is provided. Borrowers use this form to detail final accounting of projects involving buildings, special equipment, and outside plant facilities.

RUS Form 771, Summary of Work Orders (Inspection by RUS Field Engineer) – The burden for this form is the time and expense of the borrower in completing and sending it to the Agency. The form provides a summary of all minor construction costs, by construction units, and other miscellaneous expenses and provides the Agency with assurances that all reported expenses are for approved projects; the listing is the basis upon which the Agency approves the advance of loan funds for construction completed by work order.

RUS Form 771a, Summary of Work Orders (Inspection by Licensed Engineer or Borrower's Staff Engineer) - The burden for this form is the time and expense of the borrower in completing and sending it to the Agency. This form is similar to RUS Form 771, except the assurances of the construction costs and other project listings are verified by expert sources other than an RUS Field Engineer. The form provides a summary of all minor construction costs, by construction units, and other miscellaneous expenses and provides the Agency with assurances that all reported expenses are for approved projects; the listing is the basis upon which the Agency approves the advance of loan funds for construction completed by work order.

RUS Form 773, Miscellaneous Construction Work and Maintenance Service Contract – This form is used to establish the scope of work, and terms and conditions of a small-scale construction (construction costing \$500,000 or less) and for repair of telecommunications

facilities. This form standardizes contract provisions and management of risk for small projects, ensures that all Federal requirements are met, and provides a uniform vehicle for the accounting of loan funds.

RUS Form 787, Supplement A to Construction Contract RUS Form 515 – This form is used to provide a listing of owner-furnished material which will be provided to the contractor for use in the contract construction under RUS Form 515.

RUS Form 817, Final Inventory, Telephone Force Account Construction – This form is used to closeout RUS Form 515. Borrowers use the information on this form to enter accounting records for the completed construction units into their permanent property accounts. This form is prepared by the engineer and certifies that: (1) the project is complete, (2) facilities meet Agency requirements and the requirements of the plans and specifications, and (3) that the stated accounting of all construction units truly represents the construction.

RUS Form 817a Final Inventory, Telephone Force Account Construction – This form is used to closeout a force account proposal and is an attachment to RUS Form 817. This form provides the detailed listing of the final construction units that were *installed* (added) in the project such as cable, lines etc.

RUS Form 817b, Final Inventory, Telephone Force Account Construction – This form is used to closeout a force account proposal and is an attachment to RUS Form 817. This form provides the detailed listing of the final construction units that were *removed* in order to complete the project. This form is not used with much frequency because a borrower is typically installing units and not removing them from a project.

RUS Form 835, Preloan Engineering Service Contract, Telephone System Design – This form is suggested for use as a preloan engineering service contract. Although its use is not required, Form 835 is helpful in determining the tasks to be performed.

Non-Form - 1753.80 (g) – Minor Construction – Request to establish a work order fund for specific construction project.

1753.80 (g) - Minor Construction – Request to establish a work order fund for specific construction project – Broadband.

Non-Form - 1753.27 - Construction of building - Award of contract

Non-Form - 1753.48 (a) – Outside plant major construction – Award of construction in accordance with procedure.

Non-Form - 1753.48 (b) - Outside plant major construction – Agency approval of negotiated proposals

Non-Form - 1753.68 (b) - Special equipment – Approval of the proposal for initial purchase of equipment

Non-Form - 1753.68(b) - Core network and access equipment – Approval of the proposal or initial purchase of equipment – Broadband.

Non-Form - 1753.36 - Core network and access equipment – request for approval to negotiate for the purpose of standardization on a system basis.

Non-Form - 1753.36 - Core network and access equipment – request for approval to negotiate for the purpose of standardization on a system basis- Broadband.

Non-Form - 1753.3 – During the preconstruction review, obtain approval - for any construction that does not conform to Agency standards and specifications or the approved Loan design.

Non-Form - 1753.6 - Approval to use other than new or nonstandard materials and equipment.

Non-Form - 1753.6 - Approval to use other than new or nonstandard materials and equipment – Broadband.

Non-Form - Certification Borrower Contract Addendum – 7 CFR 1753.96 requires certification borrowers to modify Agency contracts that they use by inserting a copy of the Certification Addendum which identifies them as a certification borrower, relieving them of the requirements to obtain Agency approval of the contract. The Agency maintains a certification program for highly qualified and willing borrowers who because of their self-sufficiency and technical and managerial proficiency are approved to self-certify plans and specification, bid approvals, and contracts that are in compliance with all Agency and other Government regulations.

FORMS APPROVED UNDER OTHER COLLECTIONS

RUS Form 168b, Contractor’s Bond

Approved Under 0572-0107

This form is used to provide a surety bond for RUS Form 515 when the contract price exceeds \$100,000; it shows that an insurance indemnifier has bonded the contractor for completion of the project.

RUS Form 168c, Contractor’s Bond (less than \$1 million)

Approved Under 0572-0107

This form is used to provide a surety bond in lieu of REA Form 168b, when contractor's surety has accepted a small business administration guarantee

RUS Form 181, Certificate of Completion – Contract Construction for Building

Approved Under 0572-0107

This form is used for the closeout of RUS construction contracts.

RUS Form 213, Certificate (“Buy American”)

Approved Under 0572-0107

This form is used to document compliance with the "Buy American" requirement.

RUS Form 220, Architectural Services Contract

Approved Under 0572-0118

The form provides for the architectural services to be provided related to the design and construction management of the facilities.

RUS Form 224, Waiver and Release of Lien

Approved Under 0572-0107

Borrowers use this form to be certain that contractors, material suppliers, or anyone providing materials, equipment, labor, etc., have been paid and otherwise there will be no outstanding liens on a project. Except for the inclusion of terms and conditions related to Public Laws and Executive Orders, etc., this type of contract form would be used by respondents under normal business practices.

RUS Form 231, Certificate of Contractor

Approved Under 0572-0107

This form is used for the closeout of RUS Forms 257, 515, and 525.

RUS Form 238, Construction for Equipment

Contract Amendment

Approved Under 0572-0107

This form allows borrowers to alter contract scope, terms and conditions; provides legal validation for alterations; legal adjustments to the contractor's bond; and provides the Agency with evidence of the adjusted amount so funds can be advanced properly. This form provides the Agency loan security by tracking changes affecting project scope and costs. Except for the inclusion of terms and conditions related to Public Laws and Executive Orders, etc., this type of contract form would be used by respondents under normal business practice.

RUS Form 257, Contract to Construct Building

Approved Under 0572-0107

This form is used to construct headquarter buildings, equipment buildings and other structures.

RUS Form 307, Bid Bond

Approved Under 0572-0107

This form is used with construction contracts (RUS 257, 515, etc.) to assure the borrower and the Agency that the successful bidder in a competitive bidding procedure will enter into a contract with the borrower.

RUS Form 395, Contract for Equipment

Approved Under 0572-0149

This form is used to purchase equipment with and without installation.

RUS Form 395a, Certificate of Completion (Including Installation)

Approved Under 0572-0149

This form will be used for the closeout of RUS Form 395 when the contract includes installation.

RUS Form 395b, Certificate of Completion (Not Incl. Installation)

Approved Under 0572-0149

This form will be used to amend contracts except for distribution line construction contracts.

RUS Form 395c, Cert. of Contractor and Indemnity Agreement

Approved Under 0572-0149

This form will be used in the closeout of RUS Form 395.

RUS Form 395d, Results of Acceptance Tests

Approved Under 0572-0149

This is a suggestive form to be used to report results of acceptance testing of equipment for purposes of closing out the contract

RUS Form 481, Financial Requirement Statement

Approved Under 0572-0023

The burden for this form is the time and expense of completing and sending it to the Agency. Borrowers use this form to request advances of RUS loan funds. The form provides the Agency with a certification that the costs and the projects involved are Agency approved projects which comply with RE Act purposes.

This form informs the Agency of signature authority for RUS Form 481 (Financial Requirements Statement).

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 submission of responses, and the basis for the decision for adopting this means of collection.

RUS continues reviewing its short and long range electronic data entry plans and as well as identify options for using electronic data entry to collect data from our borrowers. The new contract forms are completed and the Agency has placed an electronic version on the Agency Web Page. The web version is printable and identical to the hard copy version.

Since computer capabilities differ widely, there is at present no feasible alternative to requiring that the information be submitted to RUS in hard copy with computer generated drawings, charts, and graphs as supporting documentation where appropriate. All Forms in this collection are available at the following website:

http://www.rurdev.usda.gov/UP_ETPW_Forms.html#Telecom and are in a pdf electronic format. A majority of the forms are “printable only”. However, Forms 157, 158, 771, 771a, 773, and 787 are available in both a “fillable and fileable” and “fillable and printable” format. RUS encourages borrowers to use the most advanced technology to prepare the required information.

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.

The required information is available only from individual borrowers and is project specific. Much of the information is collected and analyzed by any prudent business in the course of its operations, and some is prepared by a utility company as part of a petition to its State Regulatory Authority. Furthermore, RUS requirements are consistent with applicable national and industry standards.

5. If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 83-1), describe any methods used to minimize burden.

According to the Table of Small Business Size Standards established by the Small Business Administration (SBA) which is matched to the North American Industry Classification System (NAICS) for industries, all 513 respondents (or 100 percent of the respondents) for this collection are considered small businesses. RUS believes that the burden on both large and small entities is the minimum necessary to attain the objectives set out in Item 2. Furthermore, as stated in Item 2, the use of standard forms offers substantial savings to small entities.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This information is required only when the borrower undertakes certain projects. There is no way to conduct the collection less frequently.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

a. Requiring respondents to report information more than quarterly.

There is no requirement to respond more frequently than quarterly.

b. Requiring written responses in less than 30 days.

There is no requirement to respond in less than 30 days.

c. Requiring more than an original and two copies.

There are no requirements requiring more than an original and two copies.

d. Requiring respondents to retain records for more than 3 years.

Record retention requirements shall be in accordance with 7 CFR 1767.

e. That is not designed to produce valid and reliable results that can be generalized to the universe of study.

This collection is not a survey.

f. Requiring use of statistical sampling which has not been reviewed and approved by OMB.

This collection does not employ statistical sampling.

g. Requiring a pledge of confidentiality.

There is no requirement of a pledge of confidentiality.

h. Requiring submission of proprietary trade secrets.

There is no requirement to submit propriety trade secrets.

8. If applicable, identify the date and page number of publication in the Federal Register of the agency's notice soliciting comments on the information collection. Summarize public comments received and describe actions taken by the agency in response to these comments. 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, reporting format (if any), and on data elements to be recorded, disclosed, or reported.

As required by 5 CFR 1320.8(d), a Notice requesting comments was published in the *Federal Register* on Tuesday, March 28, 2016 at 82 CFR 15325. No public comments were received.

These forms are typically completed by Engineers contracted by, and working on behalf of RUS Borrowers and Grantees. The following Engineering firms were consulted concerning this collection package:

Mark Massman
Chief Telecommunications Engineer
RVW, Inc.
Columbus, NE 68602-0495
402-564-2876
mmassman@rvwinc.com

Joel O Williams
President
Mid-South Consulting Engineers Inc.
Charlotte, NC 28217
704-357-0004
jwilliams@mscon.com

Mike Riley, P.E.,
VP Engineering
Mid State Consultants.
Nephi, UT 84648
435- 623-8601
mriley@mscon.com

In discussions with all three Engineers, they all voiced similar opinions: That the replacement of the various multiple Equipment Contract Forms with the singular Form 395 was a big improvement; they would prefer forms that could be filled in electronically; and that many of the forms could benefit from updating and/or consolidation.

RUS continues to maintain close contact with borrowers through general field representatives and a headquarters staff. RUS also conducts seminars for its borrowers and associated organizations. The Agency always considers suggestions by its borrowers.

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

Payments or gifts are not provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy.

This information does not require confidentiality.

11. Provide additional justification for any question of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private.

This information collection includes no questions of a sensitive nature.

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

This renewal submission is for 110 responding borrowers submitting 6,302 responses which accounts for 8,807.20 work burden hours. This collection also includes a burden of 1251.90 hours already approved under other OMB Dockets. A major difference between this burden and the previously published report is the replacement of numerous discontinued contract forms by the new contract form 395. The 395 form is one of the forms approved under different OMB Dockets. Those 1067.93 burden hours are therefore not included in the 8,807 total hours as it would result in a duplication of burden. Please reference the separate spreadsheet for a breakdown of burden information for each individual form covered in this collection package along with the forms and burden approved in other OMB packages.

RUS estimates an annual cost of \$333,638.75 for Borrowers to comply with this regulation. Based on 110 borrowing organizations submitting forms, the estimated annual cost per Borrower is \$3,033.08.

Primary individuals preparing forms for submission would typically be a professional staff person and a clerical staff member. Based on information from similar programs, RUS used a labor rate of \$46.37 per hour for an Engineer and a clerical salary of \$23.58 per hour, plus 29.4% in benefits for each. Benefits as a percentage of total compensation for private trade, transportation, and utilities industry workers were 29.4% of total hourly compensation. (Please reference <http://www.bls.gov/ncs/ect/sp/ecsuphst.pdf> on page 91). The hourly wage estimates are from the 2016 Bureau of Labor Statistics published mean wages for Engineers, Technicians, and Drafters for the Architectural, Engineering, and Related Services industry.

The estimate for annualized costs to Borrowers for the hour burden for collections of information is summarized as follows:

1. Annualized costs to responding Borrowers for contract forms approved under OMB Docket 0572-0059 (only) are as follows:

Cost for Professional Staff preparation time
 110 responding Borrowers @ \$60.00 (\$46.37/hr. x + 29.4% Benefits) () x 20.02hrs =
 \$132,108.00

Cost for Clerical time
 110 responding Borrowers @ \$30.51 (\$23.58/hr. + 29.4% benefits) () x 60.05 hrs =
\$201,530.75

Cost for all responding Borrowers (OMB docket 0572-0059 only)= \$333,638.75
Estimated cost per responding Borrower (OMB docket 0572-0059 only) = \$3,033.08

2. Annualized costs to responding Borrowers for contract forms approved under other OMB Dockets are as follows:

Professional Staff Preparation time
 110 responding Borrowers @ \$60.00 (\$46.37/hr. + 29.4% benefits) () x 2.43hrs =
 \$16,038

Clerical Time
 110 responding Borrowers @ \$30.51 (\$23.58/hr. + 29.4% benefits) () x 7.28 hrs =
 \$24,432.419

Cost for all responding Borrowers for forms approved under other OMB dockets \$40,470.415
Estimated cost per responding Borrower for forms approved under other OMB dockets \$367.91

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.

There are no capital or start-up cost or operations and maintenance and purchase of service components involved with this collection.

14. Provide estimates of annualized cost to the Federal Government.

The government cost consists of reviewing respondent’s submittals and providing acknowledgements of receipt or notices of approval. The Agency estimates that the processing of the 6302 responses which are submitted to RUS for processing uses about 24,552 hours per year of agency time. Not all of the forms filled out by the Borrower are required to be processed by RUS staff. The agency estimates that on average, for the forms which are submitted for review and/or approval, that it takes approximately 4.0 hours of professional time per response (16,368 total professional hours) and approximately 2.0 hours of clerical time per response(8,184 total clerical hours). Attributing an hourly rate of \$40.50 to professional time (grade 13, step 5), and \$23.49 to clerical time (grade 9, step 5), per the OPM 2017 wage scale, the costs to the government are as follows:

Cost for Professional time:

$$(4.0 \text{ hours} \times 6302 \text{ responses}) \times \$55.181 (\$40.50 + 36.25\% \text{ benefits}) = \$1,391,002.65$$

Cost for Clerical time:

$$(2.0 \text{ hours} \times 6302 \text{ responses}) \times 31.065 (\$22.80 + 36.25\% \text{ benefits}) = \$ 391,543.26$$

$$\text{Total} = \$ 1,782,545.91$$

15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-1.

This is a revision and extension with change of a currently approved package. There is a reduction of 1,912.80 burden hours from the previous collection of 10,720 to 8,807.20 hours. A program change due to Agency discretion (i.e. streamlining the Telecommunications Programs contracting process) resulted in the elimination of 8 forms being replaced (i.e. RUS Forms 396, 396a, 397, 398,525,545, 744, and 752a) by the introduction and use of RUS Form 395 for equipment and materials procurement. In the previous collection cycle, the 8 eliminated forms accounted for 596 responses with a work burden of 2286 hours. The form line items, for which these responses and hours had been accounted, have been removed from this ICR. The streamlining benefits provided by the use of the new RUS Form 395 and associated documents, along with the change in the estimating methodology as described below, is directly attributed to the reduction of the estimated work burden in this collection. The burden hours for new RUS Form 395 and associated documents are accounted for under OMB Control No. 0572-0149. There are also significant changes in this collection update due to adjustments. The adjustments represent a change to the methodology used in evaluating, analyzing, and trending actual in-house data in the estimation of the expected quantities of respondents and responses per respondent. The data employed was comprised of the quantity of actual borrower responses during the time period over 2013 through 2016 as included in the Engineering Branch logs of the RUS Telecommunications Program.

The actual response data, along with information derived from consultations with the Engineering Branch Chiefs, were analyzed and used to estimate and project expected responses for the next 3-5 years. The methodologies and assumptions used for prior collection cycles are unknown, and the reported estimates could not be directly related to the current in-house data.

The result of using this new methodology, and estimating responses using new program forecasting assumptions, resulted in an estimated reduction in the number of estimated respondents, with a trend towards an increase in the number of responses per respondent. Specifically, there was a reduction from 513 respondents in the previous calculation to 110 respondents in the current collection. This reduction is attributed to over counting respondents that may have submitted multiple as well as single responses.

The resulting increase in the quantity of Total Annual Responses, displayed in column (f), is from 5,382 to 6,302. Across the different forms, and including the impact of the contract forms elimination due to RUS Form 395, the Total Burden Hours, as shown in column (h), estimated for this package is reduced from 10,720 hours to 8,807 hours.

It is believed that the change in methodology will make it easier to update this report going forward, by identifying changes as well as understanding the implications of the burden changes for the public as well as program

16. For collection of information whose results will be published, outline plans for tabulation and publication.

RUS does not plan to publish this information.

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.

The Agency is not seeking approval.

18. Explain each exception to the certification statement identified in item 19 on OMB 83-1.

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.