

**Supporting Statement for Department of Veterans Affairs (VA)
Acquisition Regulation (VAAR) Clause 852.236-89, Buy American Act
OMB Control No. 2900-0622**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify legal or administrative requirements that necessitate the collection of information.

This Paperwork Reduction Act (PRA) submission requests the extension of Office of Management and Budget (OMB) approval No. 2900-0622 for Department of Veterans Affairs Acquisition Regulation (VAAR) clause 852.236-89, Buy American Act, for collection of information using this clause.

2. Indicate how, by whom, and for what purposes the information is to be used; indicate actual use the agency has made of the information received from current collection.

The Buy American Act requires that only domestic construction material shall be used to perform domestic Federal contracts for construction, with certain exceptions. VA policy is to not accept foreign construction material. However, if a bidder chooses to submit a bid that includes foreign material, VA will consider such bids if the material is specifically identified and the price of the material is provided. VAAR clause 852.236-89, Buy American Act, advises bidders of these provisions and requires bidders who want to offer foreign construction material to list the material and its price. Bidders who do not intend to offer foreign material do not need to submit any information under this clause. The information is required to allow VA to make an informed decision as to whether or not to accept a bid that includes foreign construction material. In actual practice, very few bidders ever offer foreign materials and, when they do, very few of those offers are accepted.

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. Also describe any consideration of using information technology to reduce burden.

Collection efforts generally do not involve the use of automation. Offerors are required to provide specific information, unique to the particular solicitation.

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.

There are no duplicated efforts. Each reporting situation is unique and the testing data that must be submitted is unique to the product being offered for sale to the Government.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

There is no significant impact on small businesses.

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

reducing burden.

Failure to collect the information would have a negative impact on VA's ability to enforce its policy on the Buy American Act. In the rare instance where foreign construction material would result in a significant cost savings to VA, failure to collect the information could result in VA paying excessive costs for a construction project.

7. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare written responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; retain records, other than health; medical, government contract, grant-in-aid, or tax records for more than three years; 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 and require the use of a statistical data classification that has not been reviewed and approved by OMB.

The information is needed on each product offered for sale to the Government rather than quarterly. There might not be another occasion to require this same information for this same product. The information is submitted with each quotation, bid, or offer. The time for response is the same as the time for submission of the quotation, bid, or offer, which may be fewer than 30 days, especially for lower dollar value solicitations or for commercial items.

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

The Department notice was published in the Federal Register on July 26, 2017, Volume 82, No. 142, pages 34747-34748. No comments were received.

b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure or reporting format, and on the data elements to be recorded, disclosed or reported. Explain any circumstances which preclude consultation every three years with representatives of those from whom information is to be obtained.

No efforts to consult with persons outside the agency were made.

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

No payments or gifts will be provided.

10. Describe any assurance of privacy, to the extent provided by law, to respondents and the basis for the assurance in statute, regulation, or agency policy.

N/A. No assurances of privacy/confidentiality will be provided to respondents.

11. Provide additional justification for any questions of a sensitive nature (Information that, with a reasonable degree of medical certainty, is likely to have a serious adverse effect on an individual's mental or physical health if revealed to him or her), such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private; include 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.

The request for information does not include any questions of a sensitive nature.

12. Estimate of the hour burden of the collection of information:

a. The number of respondents, frequency of responses, annual hour burden, and explanation for each form is reported as follows:

No. of respondents	x No. of responses	x No. of minutes		Number of Burden Hours
43	1 per each solicitation	30	÷by 60	22

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB 83-1.

N/A

c. Provide estimates of annual cost to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

The annual cost estimate was calculated using a Contracts professional equivalent to a GS-11, step 5 level position as the target. Based on General Schedule (GS) hourly salary for a GS-11 step 5, for FY17 plus 36.25% per OMB Memo M-08-13 dated March 11, 2008 ($\$28.42 \times 136.25\% = \38.72 rounded). The number of Burden Hours = $22 \times \$38.72 =$ An Annual Estimated Cost of \$851.78.

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).

N/A

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

Estimated annualized cost to the Government: \$901.78 (22 hours at \$38.72 per hour, salary rate, including benefits, based on the average GS-11 grade for VA contracting officers, plus \$50 printing costs). The information is evaluated upon receipt. If acceptable, no additional special action is required and normal contract award action is taken. If the foreign material is not accepted, the bidder is notified of rejection of the offered foreign material. Although printing costs are shown, there would be no savings from elimination of this provision, as the provision is included as part of each solicitation package and elimination of this one provision would eliminate few, if any, pages from the solicitations issued for construction contracts.

15. Explain the reason for any burden hour changes since the last submission.

The number of respondents has increased from 40 to 43, which resulted in a burden increase by 2 hours.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. 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.

The results will not be published.

17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This request seeks approval to not display the expiration date for OMB approval. This is an on-going requirement. VA has a continuing need for this information in order to award contracts. VA expects to continue use of these VAAR sections and this VAAR clause indefinitely and an expiration date would only tend to confuse the public. This submission does not contain any exceptions to the certification statements.

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

This submission does not contain any exceptions to the certification statements.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods will not be employed.