

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACTION SUBMISSION
9000-0134, ENVIRONMENTALLY SOUND PRODUCTS**

A. Justification.

1. Administrative requirements. This information collection stems from the clause at 52.223-9, "Estimate of Percentage of Recovered Material Content for EPA-Designated Items." In accordance with section 6002 of the Resource Conservation and Recovery Act (RCRA), Pub. L. 94-580, (42 U.S.C., section 6962), Federal agencies shall develop affirmative procurement programs to ensure that items composed of recovered materials will be purchased to the maximum extent practicable. Each agency's affirmative procurement program must provide estimates of the total percentage of recovered materials used in the performance of a contract, certification of minimum recovered material content actually used, where appropriate, and reasonable verification procedures for estimates and certifications. The minimum recovered material content standards are designated by the Environmental Protection Agency. These standards are grouped into eight categories—

- (1) Construction products;
- (2) Landscaping products;
- (3) Non-paper paper office supplies;
- (4) Paper and paper products;
- (5) Park and recreation products;
- (6) Transportation products;
- (7) Vehicular products; and
- (8) Miscellaneous products.

Although section 6002 of RCRA requires that agencies develop these estimates whenever an acquisition sets forth minimum percentages of recovered materials, when the price of the item exceeds \$10,000, or when the aggregate amount paid for the item or functionally equivalent items in the preceding fiscal year was \$10,000 or more, the clause at 52.223-9 is only used in solicitations and contracts exceeding \$150,000. Acquisitions of commercially available off-the-shelf (COTS) items are excluded from this requirement.

2. Uses of information. Contracting officers will use the information to verify offeror/contractor compliance with solicitation and contract requirements regarding the use of

recovered materials. Additionally, agencies will use the information in the annual review and monitoring of the effectiveness of the affirmative procurement programs required by RCRA.

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 being 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. Although section 6002 of RCRA applies to all acquisitions of EPA-designated items that either individually, or in the aggregate exceed \$10,000, the clause at 52.223-9 and its reporting requirement, is only prescribed for use in contracts that exceed \$150,000. The information collection set forth in the clause is the minimum needed to comply with statutory requirements.

6. Describe consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently. Similar information is not already available to the Government, therefore, it would be extremely difficult, if not impossible, for Federal agencies to ascertain the efficacy of their affirmative procurement programs without the information obtained from 52.223-9.

7. Special circumstances for collection. There are no special circumstances that would cause the information collection to be conducted in manner—

- That requires respondents to report information to the agency more often than quarterly;
- That requires respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- That requires respondents to submit more than an original and two copies of any document;
- That requires respondents to retain records, other than health, medical, Government contract, grant-in-aid, or tax records for more than three years;

- That requires, 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;
- That requires the use of statistical data classification that has not been reviewed and approved by OMB;
- That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by the 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
- That requires respondents to submit proprietary trade secret, 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.

The information collection requires reporting at the completion of each contract so that agencies can use the information in the annual review and monitoring of the effectiveness of the affirmative procurement programs required by RCRA.

8. Efforts to consult with persons outside the agency. A 60 day notice published in the *Federal Register* at 82 FR 20339 on June 30, 2017. No comments were received. A 30-day notice was published in the *Federal Register* at 82 FR 35204 on July 28, 2017. No comments were received.

9. Explanation of any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees. Respondents will not receive any payments or gifts in connection with this information collection.

10. Describe assurance of confidentiality provided to respondents. This information is 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 hour and cost burden.

FAR 52.223-9 requires an estimate of the percentage of total recovered material content for EPA-designated items and requires the contractor on completion of the contract to (a) estimate the percentage of the total recovered material content delivered or used in performance of the contract, including, if applicable, the percentage of post-consumer material content and (b) submit an estimate to the contracting agency.

Based on information obtained from the Federal Procurement Data System (FPDS) on February 1, 2017, there were approximately 1,565 new contracts awarded during fiscal year 2016 that contained the clause at 52.223-9. The FPDS data also revealed that during this timeframe, a total of 1,047 unique vendors received these awards. Of these unique vendors, approximately 1,179 were small businesses.

The estimated number of responses per respondent is based on the number of contract awards divided by the number of unique vendors or approximately 1.5(1,565/1,047).

It is estimated that an average of 30 minutes will be required for offerors and contractors to research, prepare, and submit the required information.

Annual Reporting Burden

Number of respondents	1,047
Number of responses per respondent per year	<u>x 1.5</u>
Total annual responses	1,571
Preparation time per response	<u>x .50</u>
Total response burden hours	785
Cost per hour	<u>x 58.42*</u>
Estimated cost to public	\$45,877

* Based on the OPM salary table for calendar year 2017, we estimated an hour rate equivalent to a GS-13, Step-7, or \$42.88 per hour, plus 36.25 percent overhead burden which is the rate mandated by OMB for A-76 public-private competitions, and rounded to the nearest whole dollar, or \$58.42. The estimated cost per response is \$29.20.

14. **Estimated cost to the Government.** It is estimated that the Government will spend an average of 15 minutes reviewing and analyzing each response.

Annual Recordkeeping Burden and Cost

Total annual responses	1,571
Review time per response	x .25
Total burden hours	393
Cost per hour	x 58.42*
Total Government cost	\$22,939

* Based on the OPM salary table for calendar year 2017, we estimated an hourly rate equivalent to a GS-13, Step-7, or \$42.88 per hour, plus 36.25 percent overhead burden which is the rate mandated by OMB for A-76 public-private competitions, and rounded to the nearest whole dollar, or \$58.42.

15. Explain reasons for program changes or adjustments reported in Item 13 or 14. The decreased costs shown in this submission reflect an adjustment to the method of calculating the number of contract actions subject to this information collection, and corresponding number of unique vendors that received these awards. In contrast to the previously approved clearance, this analysis focused only on contract actions in excess of \$150,000. This changed the ratio of contract actions to unique vendors, which in turn decreased the number of responses to respondents from 128 to 1.5, which in turn reduced the total number of annual responses from 36,608 to 3,206.

The previous justification for this information collection also included an estimated burden for the provision at 52.223-4, Recovered Material Certification. However, the provision only requires the offeror, by signing its offer, to certify regarding the percentage of recovered materials content for EPA-designated items, which does not constitute a burden under the Paperwork Reduction Act.

16. Outline plan for published results of information collections. Results will not be tabulated or published.

17. Approval not to display expiration date. Such approval is not requested.

18. Explanation of exception to certification statement. There are no exceptions to the certification statement under Item 19 of OMB For 83-I.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.