

SUPPORTING STATEMENT – PART A

Defense Federal Acquisition Regulation Supplement (DFARS) Part 239, Acquisition of Information Technology and associated clauses at DFARS 252.239-7000 and 252.239-7006; OMB Control Number 0704-0341

A. JUSTIFICATION

1. Need for the Information Collection

a. This justification supports renewal of OMB Control Number 0704-0341 for Defense Federal Acquisition Regulation Supplement (DFARS) Part 239—Acquisition of Information Technology, and associated clauses.

i. DFARS clause 252.239-7000, Protection Against Compromising Emanations, is prescribed at DFARS 239.7103 (a), for use in solicitations and contracts involving technology that requires protection against compromising emanations. Paragraph (b) of the clause requires the contractor to provide, upon request of the contracting officer, documentation supporting the accreditation of information assurance requirements (National Security Agency National TEMPEST Standards or other standards specified by the contract).

ii. DFARS clause 252.239-7006, Tariff Information, is prescribed at DFARS 239.7411(a), for use in solicitations, contracts, and basic agreements for telecommunications services. The clause requires the contractor to report the following to the contracting officer:

- Paragraph (a) (1) - provide, upon request, a copy of the contractor's current existing tariffs (including changes).
- Paragraph (a)(2) - provide, before filing, any application to a Federal, State, or any other regulatory agency for new or changes to, rates, charges, services, or regulations relating to any tariff or any of the facilities or services to be furnished solely or primarily to the Government; and
- Paragraph (a) (3) - provide, upon request, a copy of all information, material, and data developed or prepared in support of or in connection with an application under paragraph (a)(2) of the clause, and to notify the Contracting Officer of any application that anyone other than the Contractor files with a governmental regulatory body which affects or will affect the rate or conditions of services under the agreement/contract.

iii. DFARS 239.7408, Special Construction, requires a detailed special construction proposal be obtained from a common carrier that submits a proposal or quotation with special construction requirements.

2. Use of Information

The information obtained through DFARS part 239 and the provisions and clauses prescribed therein, is obtained occasionally, as required. The information is used to ensure that computer equipment or systems delivered under the contract are adequate to safeguard national security information; to ensure that DoD has information necessary to be informed of potential new or changes to rates, charges, services, or regulations relating to any tariff or any of the facilities or services to be furnished solely or primarily to the Government; and to ensure that DoD pays fair and reasonable prices for special construction under contracts for telecommunications services.

3. Use of Information Technology

Information technology is used to collect the information (100%). Contractors typically communicate electronically via email.

4. Non-duplication

As a matter of policy, DoD reviews the DFARS to determine whether adequate language already exists. This information collection does not duplicate any other requirement.

5. Burden on Small Business

The collection of this information is not expected to have a significant impact on a substantial number of small businesses or other small entities. The requirements for information collection are only occasional, as the circumstances dictate, and the burden on large and small entities is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices.

6. Less Frequent Collection

DoD specialists who are most knowledgeable of the requirements and the need for the information reviewed the information collection frequency. Failure to collect this information may result in increased costs and compromise of sensitive national security information. DoD agencies may lack information necessary to ensure that computer systems are secure; affect the tariffs paid by DoD to common carriers; or negotiate reasonable prices for contracts involving special construction.

7. Paperwork Reduction Act Guidelines

There are no special circumstances for collection. Collection of this information is consistent with the guidelines at 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

a. Subject matter experts within DoD were consulted regarding the renewal of this information collection.

b. This information collection is consistent with the guidelines in 5 CFR 1320.6. Public comments were solicited in the *Federal Register* on September 27, 2017 ([82 FR 44996](#)). No comments were received in response to this notice.

c. A notice of submission to OMB for clearance of this information collection was published in the *Federal Register* on December 5, 2017 ([82 FR 57432](#)).

9. Gifts or Payment

DoD will not provide a payment or gift to respondents under this information collection requirement.

10. Confidentiality

This information is disclosed only to the extent consistent with statutory requirements, current regulations, and prudent business practices. The collection of information does not include any personally identifiable information; therefore, no Privacy Impact Assessment or Privacy Act System of Records Notice is required.

11. Sensitive Questions

No sensitive questions are involved.

12. Respondent Burden and Labor Costs

(a) The estimated burden for DFARS clause 252.239-7000 to provide, upon request of the contracting officer, documentation supporting the security accreditation of the information technology, is estimated in the table below. The estimated number of respondents and responses is based on the number of contract awards that contained DFARS clause 252.239-7000 in fiscal year 2016. The Government’s Electronic Document Access database is the source of the data.

Estimation of Respondent Burden : 252.239-7000	
Number of respondents	664
Responses per respondent (approximately)	14.4
Number of responses	9,543
Hours per response	.5
Estimated hours	4,772
Cost per hour (hourly rate – see note)	\$45
Annual public burden	\$214,740

Note:

The cost per hour is based on the OPM GS-11, Step 5, base hourly rate for 2017 (\$32.70) plus the 36.25% civilian personnel full fringe benefit rate from OMB Memo M-08-13 (\$11.85), rounded to the nearest dollar (\$45). The cost per hour is raised from the GS-07 level base hourly rate used in 2014, because the preparation and submission of documentation pertaining to information assurance accreditation is typically accomplished at a level commensurate with a GS-11 equivalent Government employee.

(b). The estimated burden for DFARS clause 252.239-7006 to provide, upon request of the contracting officer certain documentation concerning telecommunications services, is estimated in the table below. The estimated number of respondents and responses is based on the number of contract awards that contained DFARS clause 252.239-7006 in fiscal year 2016. The Government’s Electronic Document Access database is the source of the data.

Estimation of Respondent Burden: 252.239-7006	
Number of respondents	83
Responses per respondent (approximately)	10.3
Number of responses	855
Hours per response	2
Estimated hours	1,710
Cost per hour (hourly rate – see note)	\$45
Annual public burden	\$76,950

Note:

The cost per hour is based on the OPM GS-11, Step 5, base hourly rate for 2017 (\$32.70) plus the 36.25% civilian personnel full fringe benefit rate from OMB Memo M-08-13 (\$11.85), rounded to the nearest dollar (\$45). The cost per hour is raised from the GS-07 level base hourly rate used in 2014, because the preparation and submission of documentation pertaining to tariff and non-tariff information is typically accomplished at a level commensurate with a GS-11 equivalent Government employee.

(c) The total estimated burden associated with DFARS 239.7408, Special Construction, is provided at the table below. The estimate was provided by a Government subject matter expert from the DoD agency responsible for telecommunications.

Estimation of Respondent Burden: DFARS 239.7408	
Number of respondents	3
Responses per respondent	1
Number of responses	3
Hours per response	20
Estimated hours	60
Cost per hour (hourly rate – see note)	\$45
Annual public burden	\$2,700

Note:

The cost per hour is based on the OPM GS-11, Step 5, base hourly rate for 2017 (\$32.70) plus the 36.25% civilian personnel full fringe benefit rate from OMB Memo M-08-13 (\$11.85), rounded to the nearest dollar (\$45).

(d) The total estimated burden associated with OMB Control Number 0704-0341 is provided at the table below:

Estimation of Total Respondent Burden: 0704-0341	
Number of respondents	750
Responses per respondent (13.8 rounded to 14)	14
Number of responses	10,500
Hours per response (approximately – hours/responses)	.62
Estimated hours	6,542
Cost per hour (hourly rate)	\$45
Annual public burden	\$294,390

13. Respondent Costs Other Than Burden Hour Costs

DoD does not estimate any annual cost burden apart from the hourly burden in Item 12 above.

14. Cost to the Government

The estimated cost to the Government is shown in the following table.

Estimated Cost to the Government: DFARS 252.239-7000, 252.239-7006, and 239.7408	
Number of responses	10,500
Hours per response	.5
Estimated hours	5,250
Cost per hour (hourly rate – see note)	\$45
Cost to Government	\$236,250

Note:

The cost per hour is based on the OPM GS-11, Step 5, base hourly rate for 2017 (\$32.70) plus the 36.25% civilian personnel full fringe benefit rate from OMB Memo M-08-13 (\$11.85), rounded to the nearest dollar (\$45).

15. Reasons for Change in Burden

a. The change in burden from fiscal year 2014 to 2017 is shown in the following table:

Change in Burden: DFARS 252.239-7000, 52.239-7006, and 239.7408

	2014	2017	Difference
Number of respondents	387	750	+363
Responses/respondent	33	14	-
Total annual responses	12,915	10,500	-2,415
Hours per response	.6	.62	-
Total Hours	7,106	6,542	-564
Cost per hour	\$27.61	\$45	-
Total Cost	\$196,210	\$294,390	+\$98,180

b. The change in results from using fiscal year 2016 data from the EDA system, which reflects the actual number of contracts that include the two clauses in lieu of using more generalized information from the Federal Procurement Data System. Information for the DFARS 239.7408 requirement was obtained from the Government subject matter experts within the agency that has responsibility for telecommunications and reflects reductions in numbers of respondents and hours. This reduction accommodates the fact that, given the current state of technology, common carriers do not typically require new (special) construction in response to Government telecommunication requirements.

16. Publication of Results

Results of this information will not be tabulated or published.

17. Expiration Date

DoD does seek approval to not display the expiration dates for OMB approval of the information collection.

18. Exceptions to Certification for Paperwork Reduction Submissions

There are no exceptions to the certification accompanying this Paperwork Reduction Act submission.