

**Supporting Statement for
Department of Veterans Affairs Acquisition Regulation (VAAR)
Clause 852.236-91, Special Notes
Approved OMB Control No. 2900-0623**

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. 2900-0623, Department of Veterans Affairs Acquisition Regulation (VAAR) clause 852.236-91, Special Notes. This clause requires the bidder, at the request of the contracting officer, to furnish information on the bidder's previous experience, organization, technical qualifications, financial resources, and facilities available to perform the work. In addition, this clause requires contractors who want to submit a claim for weather delay to also submit climatological data covering the period of the claim and covering the same period for the 10 preceding years.

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 information on the bidder's previous experience, organization, technical qualifications, financial resources, and facilities available to perform the work is necessary to assist the contracting officer in evaluating the bidder's qualifications and responsibility. The information on climatological data covering the period of the claim and covering the same period for the 10 preceding years is necessary to assist the contracting officer in evaluating a contractor's claim for contract price adjustment based on severe weather.

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 do not involve the use of automation. The information required is specific and unique to each 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. Only up-to-date information on the bidder's previous experience, organization, technical qualifications, financial resources, and facilities available to perform the work, in the case of a pending contract award, or information on climatological data covering the period of the claim and covering the same period for the 10 preceding years, in the case of a claim for weather-related delays or damages, is acceptable.

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 on bidder qualifications would have a negative impact on VA's ability to evaluate a bidder's qualifications to perform the contract. It could result in award of a contract to a firm that is not qualified to, or is unable to, perform the work. Failure to collect the information on climatological data could result in VA's rejecting a valid claim for weather delays or accepting an invalid claim for such delays.

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.

a. The information is needed with each solicitation or each claim rather than quarterly. The information is specific to a particular bidder or claim. The information on bidder qualifications is only required once for the low bidder for each solicitation. The information on climatological data is only required once from each contractor for each claim for weather-caused delays.

b. The information on bidder qualifications is submitted by the low bidder for each construction contract solicitation. The information on climatological data is submitted for each claim for weather-caused delays.

c. Only one original is required.

d. There are no records retention requirements.

e. This is not a statistical survey.

f. This does not require the use of statistical data classification.

g. This does not include a pledge of confidentiality.

h. This does not require the submission of proprietary information.

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.

Notices regarding use of these clauses in all applicable solicitations were published in the Federal Register on September 20, 2017 at 82 FR 44029 - 44030 with comments closing date of November 20, 2017. 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.

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:

For Qualifications Data:

No. of Respondents	x No. of Responses	x No. of Minutes	÷ by 60	Number of Burden Hours
1,516	1 per each contract awarded	30		

For Weather-Related Claims:

No. of Respondents	x No. of Responses	x No. of Minutes	÷ by 60	Number of Burden Hours
20	1 per each contract awarded	60		

Total annual respondents: 1,536 (1,516+20)

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.

Estimated total annual reporting burden: 778 hours (758 + 20).

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.

Estimated annualized cost: \$30,122 (778 hours at \$38.72 per hour, estimated salary rate, including benefits, based on the likelihood that an individual at a level similar to a GS-11, Step 5, VA contracting officer would be primarily involved with furnishing this information). Submission would also involve some management oversight at a higher level and some clerical work at a lower level. We believe this salary level is a reasonable average. (Based on the 2017 OPM Salary Table (<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/17Tables/html/GS.aspx>) with a base hourly rate of \$28.42 + \$10.30 Total Civilian Position Fringe Benefits rate of 36.25%.)

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: \$30,122 (778 hours at \$38.72 per hour, based on the 2017 OPM Salary Table GS-11, step 5 for VA contracting officers with a base hourly rate of \$28.42 + \$10.30 Total Civilian Position Fringe Benefits rate of 36.25%). The information is evaluated upon receipt and a decision is made based on the data.

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

There are no program/burden changes.

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. There is a continuing need for this clause for use in VA construction contracts. VA expects to continue use of this clause indefinitely and an expiration date would only tend to confuse the public.

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. Collection of Information Employing Statistical Methods

Statistical methods will not be employed.