

OMB Form, 83-I Supporting Statement

Small Business Administration Application for Certificate of Competency (COC)

SBA's Office of Government Contracting is committed to reviewing and evaluating its information collections to collect only the information that is necessary to carry out its mission and not unduly burden the public. SBA has made a few minor changes to Part 1 of this information collection; specifically, an "other" box was added to offer an option for the basis of a COC referral beyond the existing listed items. Capacity, Credit, Tenacity, Perseverance and Integrity was collapsed into three information collection boxes, capacity and credit, and capability. We note that the Form 1531 is completed in part by the small business concern seeking a COC determination and in part by SBA.

A. Justification

1. Circumstances necessitating the collection of information.

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The U.S. Small Business Administration (SBA) is required by statute to administer the Certificate of Competency (COC) Program to determine whether a small business concern possesses the "responsibility" to perform a Government procurement (or sale) contract. See 15 U.S.C. §637(b)(7); 13 C.F.R. §125.5. (Copies of statutory and regulatory provisions are attached). The COC Program is applicable to all Government procurement actions and provides a mechanism for small business concerns to seek SBA review of an adverse responsibility determination by a contracting agency. SBA Form 1531, Application for Certificate of Competency, is one of the documents that a small business concern must complete to request that SBA review the contracting agency's non-responsibility finding.

2. How, by whom, and for what purpose information will be used.

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 from the current collection.

When a contracting officer determines that the apparent successful small business offeror is non-responsible for the award of a contract, he or she must refer that small business to the SBA for aCOC. If the small business would like to request a COC determination by SBA, it must complete the Form 1531. The SBA will review the Form 1531 information, as well as the information supplied by the contracting officer, to help determine if the small business is responsible to perform that contract. The Form 1531 provides basic information about the procurement at issue and the small business concern's access to financial, hardware, and human capital assets. Other relevant factors in making the determination include: site inspections by

SBA's Industrial Specialist to assess whether the apparent successful offeror has the appropriate equipment, facilities, etc., to meet the requirements of the contract. In some instances, a referral may involve the Industrial Specialist and an SBA Financial Specialist. In those cases, the Financial Specialist will assess whether the apparent successful offeror has sufficient capital and access to capital to perform the specific contract.

3. Technological collection techniques.

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.

The offeror submits documents along with the Application for COC electronically or in hard copy to SBA. The SBA has allowed small businesses to submit documents via facsimile and permits firms to do the same with this program. While the form is not electronically interactive, it may be completed (filled out) online, then saved as a pdf file, scanned, and emailed.

4. Avoidance of duplication.

Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for the purposes described in Item 2 above.

Some of the identifying and contact information may be available from the contracting agency, (e.g., information in Part 1 of the Form 1531) and as such SBA does not require the small business to provide that information again. However, the substantive information collected to make the COC determination is not only fact and contract specific, it is also generally different from information collected for other SBA programs or programs at other agencies; therefore any existing information is not adequate to meet the needs of the COC program.

5. Impact on small businesses or other small entities.

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

The collection of this data impacts small businesses (but not other small entities, including, governmental jurisdictions or not-for-profit enterprises); however, because this request entails basic commercial information that is usually maintained by any business as part of its normal day to day operations or gathered in preparation for making an offer on the contract in question, the time required to provide the requested information is not unduly burdensome.

6. Consequences if collection of information is not conducted.

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.

A small business does not have to apply for a CoC but if it does, SBA needs to collect the information in order to fulfill its statutory mandate to ensure that only competent small business concerns receive contracts designated for such small businesses. There would also be less assurance that small businesses are being given a fair opportunity to receive government contracts.

7. Existence of special circumstances.

Explain any special circumstances that would cause any information collection to be conducted in a manner requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to 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; requiring the use of a 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 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; requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has illustrated procedures to protect the information's confidentiality to the extent permitted by law.

The collection of information may result in the submission of proprietary trade secrets or other confidential information. However, the Agency will protect the confidentiality of this information to the extent permitted by law, including the Privacy Act, 5 U.S.C. 552a, and the Freedom of Information Act, 5 USC 552. Also see response to number 10 below.

8. Solicitation of Public Comment.

If applicable, provide a copy and 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; describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarify of instructions and record keeping, disclosure, or reporting format.

Consistent with 5 C.F.R. § 1320.8(d), a request for public comment was published in the Federal Register on April 17, 2017 at 82 FR 18203; no public comments were received.

9. Payment or gifts.

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

There are no payments or gifts given to any respondent.

10. Assurance of confidentiality.

The following statement appears on the form: “Any documents that a firm provides as part of this request for a Certificate of Competency, including bid or proposal information or source selection information, are prohibited from being released prior to the award of a contract. See, FAR § 3.104-3. After award of a contract, all information and/or documents may be disclosed but will be protected to the fullest extent permitted by law, including the Privacy Act 5 U.S.C. § 552a and Freedom of Information Act, 5 U.S.C. § 552.”

11. Questions of a sensitive nature.

Provide justification for any questions of a sensitive nature such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the 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 the consent.

There are no questions asked which are of a sensitive nature.

12. Estimate of the hourly burden of the collection of information.

Provide estimates of the hour burden of the collection of the information. Also, provide an estimate of the annualized cost to the respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

Total number of respondents (300) for Application for Certificate of Competency:
Number of responses per respondent: 1
Estimated burden hours: 2.0 hours
Total annual burden hours: 300 x 2.0 hours = 600

Respondent’s Cost of Burden Hours

Estimated officer’s salary = \$77.58/hour (based on current General Schedule 15 Step 10, Washington-Baltimore Northern Virginia, DC-MD-VA-WV-PA area), which would be equivalent to a senior manager in an average small business firm.)

Total estimated burden: 600x \$77.58/hour= \$46,548

13. Estimate of total annual cost burden for submission.

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.

SBA believes that there are no additional capital or start-up costs or operation and maintenance costs and purchases of services costs to respondents as a result of this collection of information because there should be no cost in setting up or maintaining systems to collect the required information. As stated in Answer 5, the information requested should be collected and retained in the ordinary course of business.

14. Estimated annualized cost to the Federal government.

Provide estimates of annual costs to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would not have been incurred without this collection of information. (Cost estimates for items 12, 13, and 14 may aggregate in a single table.)

The annualized cost to review and analyze the documents is \$16,050, computed as follows:

General Schedule (GS)-9-15 salaries, averaged (based on GS-9 through GS-15 Step 10, Washington-Baltimore-Northern Virginia, DC-MD-VA-WV-PA area): \$53.50/hour for employees reviewing documents and responses, to include contracting officers of procuring agencies

Number of responses reviewed: 300

Total estimated cost to government per year: $300 \times \$53.50 = \$16,050$

15. Explanation of program changes in Item 13 or 14 OMB Form 83-I.

N/A

Explain reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

16. Collection of information whose results will be published.

For collection 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 the information, completion of report, publication dates, and other actions.

No publication of this information is planned but in the event it is published, it would be as aggregated data only.

17. Expiration date for collection of information.

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that the display would be inappropriate.

SBA is not seeking approval to not display the expiration date.

18. Exceptions to certifications in Block 19 in OMB Form 83-I.

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

This is not applicable.

B. Collections of Information Employing Statistical Methods.

This collection of information does not employ statistical methods.