

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION
9000-0189, Identification of Predecessors**

A. Justification

1. Administrative requirements. The Federal Acquisition Regulation (FAR) provision 52.204-20, Predecessor of Offeror, requires each offeror to identify if the offeror is, within the last three years, a successor to another entity that received a Federal Government award and, if so, to provide the Commercial and Government Entity (CAGE) code and legal name of the predecessor.

2. Use of information. The information on predecessors is used to identify such entities in the Federal Awardee Performance and Integrity Information System (FAPIIS) to allow retrieval of integrity and performance data on the most recent predecessor of an apparent successful offeror to whom award is anticipated. FAR 9.104-6 requires contracting officers to consult FAPIIS before awarding a contract in excess of the simplified acquisition threshold. The information on predecessors is collected on an annual basis for inclusion in the annual representations and certifications in the System for Award Management (SAM) for offerors required to register in SAM. Offerors not required to register in SAM but required to provide the information in the provision at FAR 52.204-20 will do so as specified in the solicitation or instructed by the contracting officer.

3. Consideration of information technology. Improved information technology is used 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 FAR which has been developed to standardize Federal procurement practices and eliminate unnecessary duplication. This collection is not duplicative of any other information required from offerors.

5. If the collection of information impacts small

businesses or other entities, describe methods used to minimize burden. The burden applied to small businesses is the minimum consistent with applicable laws, Executive Orders, regulations, and prudent business practices.

6. Describe consequence to Federal program or policy activities if the collection is not conducted less frequently. The information is entered in the SAM representations and certifications, so it need only be provided annually or when the information changes. This is the minimum frequency required to keep the information up-to-date.

7. Special circumstances for collection. The collection is fully consistent with guidelines in 5 CFR 1320.6.

8. Efforts to consult with persons outside the agency. A 60-day notice was published in the *Federal Register* at 83 FR 47342, on September 19, 2018. One comment was received. The commenter supports the information collection requirement as an important step in bringing greater transparency and efficiency to the federal acquisition process.

Comment: The commenter is concerned that offerors are not complying with the information collection requirement and they must be held accountable for their representations and certifications. The commenter suggested that to do so, the government should periodically audit vendor-entered FAPIIS and SAM data quality and address non-compliance through a system of sanctions ranging from warning letters to monetary fines, or through the suspension and debarment process. The commenter also suggested expanding the information collection requirement to include the names of key individuals associated with the offeror company and any past relationships they had with entities that received contracts or grants.

Response: This comment is out of scope because the suggestions made by the commenter would require additional rulemaking. They did not express an opinion on whether the stated number of burden hours is accurate for what they believe to be the actual number of hours an offeror expends to comply with the provision.

A 30-day notice was published in the *Federal Register* at 83 FR 62323 on December 3, 2018.

9. Explanation of any decision to provide any payment or gift to respondents other than remuneration of contractors or grantees. Not applicable.

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 questions of a sensitive nature are involved.

12 & 13. Estimated total annual public hour burden.

The burden to provide the information required by the FAR provision at 52.204-20 when an offeror is registered in SAM is already covered by OMB Control Number 9000-0159, System for Award Management Registration (SAM). OMB Control Number 9000-0189 now will cover the burden for providing the required information when the offeror is not required to register in SAM in accordance with the exceptions in FAR 4.1102(a). The Federal Procurement Data System (FPDS) for FY 2017 was used to develop the estimated burden hours as shown below:

| | |
|-----------------------------------|-------------|
| Estimated respondents per year* | 974 |
| Responses per respondent** | <u>1</u> |
| Total annual responses | 974 |
| Preparation hours per response*** | <u>.1</u> |
| Total response burden hours | 97.4 |
| Average Wage**** | <u>\$54</u> |
| Total cost to the public | \$5,259.60 |

The time for contracting officers to review the data when making a responsibility determination is currently covered under OMB clearance 9000-0094.

* The number of respondents is the number of contracts with an exception to the use of SAM in FPDS for FY17, which are 974.

** The responses per respondent are one per each (one response per offer).

*** The Government estimates only 0.1 hours per response, because the vendor is only required to check one box, unless the vendor confirms that it is, within the last 3 years, a successor to an entity that had a Federal award. In such case, the offeror is requested to provide the CAGE Code and legal name of that entity.

**** Based on the OPM (Base) GS-12/step 5 salary (\$39.85 an hour) plus 36.25 percent burden, rounded to the nearest dollar, equals \$54 per hour. The burden rate used is that mandated by OMB memorandum M-08-13 for use in public-private competition, as updated by OMB for the current year. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov). The estimated cost per response is \$5.40.

14. Estimated Cost to the Government.

| | |
|------------------------------|-------------|
| Total annual responses | 974 |
| Review hours per response | <u>0.1</u> |
| Total response burden hours | 97.4 |
| Average Wage**** | <u>\$54</u> |
| Total cost to the Government | \$5,259.60 |

15. Explain reasons for program changes or adjustments reported in Item 13 or 14. The FAR requirements remain the same. The burden to provide the information required by the FAR provision at 52.204-20 when an offeror is registered in SAM is already covered by OMB Control Number 9000-0159, System for Award Management Registration (SAM). As a result, OMB Control Number 9000-0189 has been adjusted to now only cover the burden for providing the required information when the offeror is not required to register in SAM in accordance with the exceptions in FAR 4.1102(a).

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

17. Approval not to display expiration date. Not applicable.

18. Explanation of exception to certification statement. Not applicable.

B. Collection of Information Employing Statistical Methods. Statistical methods are not used in this information collection.