

**Information Collection Supporting Statement:
Construction Manager as Constructor (CMc)
(OMB Control No. 3090-XXXX)**

A. Justification.

1. Explain the circumstances that make the collection of information necessary.

The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) coverage on construction contracts, including clauses for solicitations and resultant contracts, to clarify, update, and incorporate existing guidance on the construction-manager-as-constructor (CMc) project delivery method.

2. 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 received from the current collection.

The information is used by contracting officers to evaluate contractor's proposals and negotiate contract modifications during contract administration.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection.

GSA uses improved information technology to the maximum extent practicable. Where both GSA and contractors are capable of electronic interchange, contractors may submit information requirements electronically.

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 is no similar data and no duplication exists.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The burden applies equally to small businesses that opt to do business with GSA. This information collected is necessary to meet the specific objectives of the contract.

6. Describe the consequence 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.

Not collecting this information or collecting this information less frequently would impede contracting officers from performing their administrative functions in an efficient and effective manner.

7. Explain any special circumstances.

No special circumstances exist. Collection is consistent with the guidelines in 5 CFR 1320.6.

8. Describe efforts to consult with persons outside the agency.

A notice was published in the *Federal Register* at 83 FR 55838, on November 8, 2018, as part of proposed rule 2015-G506, Adoption of Construction Project Delivery Method Involving Early Industry Engagement—Construction Manager as Constructor (CMc). No comments were received on the information collection.

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

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Information collected is disclosed only to the extent consistent with prudent business practices, agency regulations, and applicable statutes.

11. Provide additional justification for any questions of a sensitive nature.

No sensitive questions are involved.

12 & 13. Provide estimates of the hour burden of the collection of information.

Total public reporting burden for this collection of information is estimated to average 200 hours annually, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The estimated burden hours to the public for the below clauses are as follows:

The new clause at GSAR 552.236-78, Construction-Contractor-as-Constructor, requires the contractor to submit proposals to establish the final estimated cost of the work, to convert the contract to a firm-fixed-price, and to determine the final settlement. Given the detail required in these proposals identified, an estimate of 40 hours per contract was assumed for the response burden.

Estimated respondents per year	5
Estimated responses per respondent	<u>x 1</u>
Total annual responses	5
Estimated hours per response	<u>x 40</u>
Total Response Burden Hours	200

Cost per hour*	<u>x \$77.55</u>
Estimated Cost Burden to the Public	\$15,510

*The estimated cost of \$77.55 per hour is based on the task being accomplished by senior level contractor personnel equivalent to a GS-14, Step 5 salary (Base Pay and Rest of US Locality Pay) (Salary Table 2019-GS, Effective January 2019), with fringe of 36.25% (OMB Memo M-08-13). The estimated cost per response is \$3,102.

The new clause at GSAR 552.236-79, Accounting Records, contains a recordkeeping requirement that is subject to the Paperwork Reduction Act (44 U.S.C. 3501, et seq.). The clause requires the contractor to keep all relevant documents for a period of three years after the final payment. However, the clause does not add burden to what is already estimated for the existing FAR clause at 52.215-2, Audit and Records by a previous information collection (see OMB Control Number 9000-0034).

14. Provide estimates of annualized costs to the Federal Government.

Government hours per response are based on the time required to review and evaluate the proposals.

Estimated annual responses	5
Estimated review time per response	<u>x 20</u>
Total Review Time	100

Cost per hour*	<u>x \$77.55</u>
Total Annual Government Cost	\$7,755

*The estimated cost of \$77.55 per hour is based on the task being accomplished by senior level contractor personnel equivalent to a GS-14, Step 5 salary (Base Pay and Rest of US Locality Pay) (Salary Table 2019-GS, Effective January 2019), with fringe of 36.25% (OMB Memo M-08-13).

15. Explain the reasons for any program changes or adjustments reported.

This is a new information collection.

GSA is proposing to amend the GSAR to update the text addressing GSAR Part 536, Construction and Architect-Engineer Contracts and clauses in GSAR Part 552, Solicitation Provisions and Contract Clauses.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

Results of this collection will not be tabulated or published. Information collected will be used for internal administration of contracts.

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

Not applicable.

18. Explain each exception to the certification statement identified in the “Certification for Paperwork Reduction Act Submissions”.

Not applicable.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.