

**SUPPORTING STATEMENT
INFORMATION COLLECTION 9000-0060
ACCIDENT PREVENTION PLANS**

FAR Section Affected: 52.236-13

A. Justification.

1. **Administrative requirements.** The Federal Acquisition Regulation (FAR) clause at 52.236-13, Accident Prevention, requires Federal construction contractors to provide and maintain work environments and procedures which will safeguard the public and Government personnel, property, materials, supplies, and equipment exposed to contractor operations and activities; avoid interruptions of Government operations and delays in project completion dates; and control costs in the performance of the contract.

For these purposes on contracts for construction or dismantling, demolition, or removal of improvements, the contractor is required to provide appropriate safety barricades, signs, and signal lights; comply with the standards issued by the Secretary of Labor at 29 CFR Part 1926 and 29 CFR Part 1910; and ensure that any additional measures the contracting officer determines to be reasonably necessary for the purposes are taken.

Whenever the contracting officer becomes aware of any noncompliance with these requirements or any condition which poses a serious or imminent danger to health or safety, the contracting officer shall provide a notice to the contractor and request immediate corrective action. Per FAR 36.513, the contracting officer should inform the Occupational Safety and Health (OSH) Administration (OSHA), or other cognizant Federal, State, or local officials, of instances where the contractor has been notified to take immediate action to correct serious or imminent dangers. With regard to recordkeeping, the OSH Act specifies that "[e]ach employer shall make, keep and preserve, and make available to the Secretary . . . such records . . . as the Secretary . . . may prescribe by regulation as necessary or appropriate for the enforcement of this Act" (29 U.S.C. 657(c)(1)). Accordingly, OSHA has received the Office of Management and Budget (OMB) clearance for a number of related OMB Control Nos.

When performance is on a Government facility or will involve work of a long duration or hazardous nature, before commencing the work, the contractor must submit a written proposed plan for

implementing this clause, as required by alternate I of the clause. The plan shall include an analysis of the significant hazards to life, limb, and property inherent in contract work performance and a plan for controlling those hazards.

2. Use of Information. The contracting officer, along with the agency safety representatives, analyzes the Accident Prevention Plan to determine if the proposed plan will meet the safety requirement and applicable statutes in compliance with standards of the Secretary of Labor. The Accident Prevention Plan is placed in the contract file for reference.

3. Consideration of information technology. We use improved information technology 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.

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 or is conducted less frequently. Collection of information on a basis other than solicitation-by-solicitation is not practical.

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

8. Efforts to consult with persons outside the agency.

A. A 60-day notice was published in the *Federal Register* at 84 FR 18039, on April 29, 2019. No comments were received.

B. A 30-day notice was published in the *Federal Register* at 84 FR 34894 on July 19, 2019.

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 sensitive questions are involved.

12 & 13. (a) **Estimated total annual public hour and cost burden.** Federal Procurement Data System (FPDS) data shows that 4,282 new fixed-price construction contracts valued over the simplified acquisition threshold (\$250,000*) were awarded to 2,413 unique vendors for Fiscal Year 2018. Of the 4,282 contract awards, approximately 70% (or 2,975) are under \$5 million and likely represent less complicated and low-risk construction requirements, some of which may be performed on a Government facility, but that may not require a plan (4,282-2,975= 1,307). It is estimated that approximately 50% of these awards greater than \$5 million could meet the clause requirements and be required to submit a plan (1,307 * .5 = 653 responses, or plans, required) from potentially 724 vendors (2,413 unique vendors * 30% (vendors with contracts greater than \$5M) = 724). It is estimated that approximately half of these 724 vendors, or 362, may be required to submit an accident prevention plan for the approximately 653 contracts. Based on consultation with subject matter experts that procure such services, the time required to read and prepare information, and submit an accident prevention plan is historically estimated at 22 hours.

***The National Defense Authorization Act for Fiscal Year 2018 (NDAA FY18) (Public Law 115-91) (Section 805) increased the simplified acquisition threshold to \$250,000. FAR Case 2018-004 was opened to implement the appropriate statutory changes in the FAR that are compelled by section 805 of the NDAA FY18. However, 23 agencies have issued deviations and governmentwide systems have already been updated to use the new threshold ahead of the FAR.**

Estimated respondents/yr.....	362
Responses per respondent/year.....	<u>x 1</u>
Total responses/year.....	362
Estimated hrs/response.....	<u>x 22</u>

Estimated total burden hrs.....	7,964
Hourly rate**.....	x \$46
Estimated cost to public	\$ 366,344

****The hourly wage is based on OMB Circular A-76 guidance for quantifying the cost of efforts, includes: (1) the complexity level; and (2) a 36.25% fringe and overhead burden rate, the one mandated by OMB memorandum M-08-13 for use in public-private competition, as updated by OMB for the current year. Reference Salary Table 2019-RUS, Effective January 2019, found at www.opm.gov.**

The average hourly wage based on the complexity level deemed to be at the OPM GS-11/step 5 level (\$33.80/hour) plus 36.25%, rounded to the nearest dollar, or \$46 an hour. The estimated cost per response is \$1,012.

14. Estimated cost to the Government. Time required for Government review of an accident prevention plan is estimated at 1 hour.

Estimated responses/yr.....	653
Reviewing time (hr)/response	x 1
Review time/yr.....	653
Hourly rate**.....	x\$46
Estimated cost to the Government.....	\$30,038

15. Explain reasons for program changes or adjustments reported in Item 13 or 14. The increase of responses from 215 to 362 and the associated increase in estimated burden hours from 4,730 to 7,964 hours is an adjustment due to the assumptions made for the estimate. The previously used FPDS data was limited to a number of Product and Service Code (PSC) construction codes. However, the rationale to use such a limited number of PSC construction codes was not clear. We have adjusted the estimate based on a baseline of new fixed-price construction contracts valued over \$5 million. We also recognized that there are no recordkeeping requirements imposed by the FAR, they are under the OSHA related OMB Control Nos.

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