

**SUPPORTING STATEMENT FOR NEW AND
REVISED INFORMATION COLLECTIONS**

OMB CONTROL NUMBER 3038-0031

Procurement Contracts

Justification

- 1. 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 information collected under this request is gathered through the use of forms specific to a contract or contracting action. The standard forms are prescribed for use by agencies in connection with the procurement of supplies, purchase and delivery orders, non-personal services, construction, award of contracts and solicitations as specified in the Federal Acquisition Regulation (48 CFR 1-53). The information provided on the forms is specific and generally does not require additional information or questions.

- 2. Indicate how, by whom and for what purpose the data would 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 provided on the forms by vendors enables them to compete for the award of contracts for services and supplies. The information is used by the Commission in deciding whether to award individuals or firms a government contract. Vendors would be deprived of the opportunity to do business with the Government if the collection of information was not conducted.

- 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 submissions of responses and the basis for the decision adopting this means of collection. Also to describe any consideration of using information technology to reduce burden.**

This collection normally utilizes data generated and submitted electronically using IT due to its efficiency.

- 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.**

Duplication does not exist.

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

Only essential information is requested from small businesses. Small business set-aside programs and small purchase procedures are developed to minimize the burden on small businesses.

6. Describe the consequences to the Federal Program or policy activities if the collection were conducted less frequently as well as any technical or legal obstacles to reducing burden.

This question does not apply. Information collection is only initiated when a service or supply is being acquired, and then only from companies competing for a contract award.

7. Explain any special circumstances that require the collection to be conducted in a manner: _

- **requiring respondents to report information to the agency more often than quarterly;**

This question does not apply.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; _**

For a time sensitive critical procurement, respondents could be required to prepare a written response in as little as 7 days, but only when it is feasible to do so.

- **requiring respondents to submit more than an original and two copies of any document;**

This rarely happens, and only in circumstances whereby more than three CFTC staff members will be evaluating proposals.

- **requiring respondents to retain records other than health, medical, government contract, grant-in-aid or tax records, for more than three years;**

This question does not apply.

- **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;**

This question does not apply.

- **requiring the use of a statistical data classification that has been reviewed and approved by OMB;**

This question does not apply.

- **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; or**

This question does not apply.

- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This question does not apply.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice required by 5 C.F.R. 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 agency in response to these comments. Specifically address comments received on cost and hour burden.**

Notice of intent to renew this collection was published in the Federal Register at 84 FR 27770 (60-Day Notice), on June 14, 2019.¹ The CFTC received a total of 4 comments, none of them relevant.² While one of the comment raises an overarching concern about government spending and efficiency, it does not address any of the comment questions set forth in the 60-day federal register notice. Thus none of the comments received is responsive to the collection.

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

Does not apply.

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

The Commission does not provide respondents with an assurance of confidentiality beyond that provided by applicable law. Section 8(a) of the Commodity Exchange Act provides for the confidentiality of data and information except under the limited circumstances delineated therein.

¹ <https://www.cftc.gov/sites/default/files/2019/06/2019-12531a.pdf>

² See <https://comments.cftc.gov/PublicComments/CommentList.aspx?id=2987>

11. Provide additional 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 their consent.

None of the regulations require the giving of sensitive information, as that term is used in question 11.

12. Provide estimates of the hour burden of the collection of information. The Statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than ten) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If the 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 Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hours burdens for collections of information, identifying and using appropriate wage rate categories. 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 13.**

Respondents' Reporting Burdens

| Form No. | Estimated Number of Respondents per Year | Estimated Average Number of Hours per Form | Estimated Total Burden Hours per Fiscal Year |
|------------------------------------|---|---|---|
| Standard Form (SF)1449 | 150 | 2 | 300 |
| Standard Form (SF) 30 | 229 | 2 | 458 |
| Subtotal | 379 | | 758 |
| Competition Adjustment | x2.0 | | x2.0* |
| TOTAL REPORTING REQUIREMENT | 758 | | 1516 |

* In competitive acquisitions, the Commission typically receives more than one response to each solicitation. Therefore, the figures above were multiplied by 2 to reflect an estimate of the effects of competition

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.)

- **The cost estimate should be split into two components; (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major costs factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software, monitoring, sampling, drilling and testing equipment, and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate, agencies may consult with a sample of respondents (fewer than ten), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

CFTC assumes a record keeping burden of approximately 2 hours per respondent per year, for a total of 1,516 hours (758 respondents x 2 hours/respondent). It is recognized that some respondents will have more experience using the subject forms, and thus will incur less than 2 hours per response, while others will incur more than 2 hours. CFTC believes that 2 hours, on average, is a reasonable estimate for this burden. At \$29.03/hour for administrative support (including benefits), 1,516 hours translates into a cost of \$44,009. The hourly rate is based on \$20.34 for wages and salaries (source: May 2018 National Occupational Employment and Wage Estimates – United States at https://www.bls.gov/oes/current/oes_nat.htm. Occupation Code – 43-6010, Secretaries and Administrative Assistants; Mean hourly wage – \$20.34) plus 42.7% (\$8.69) for private sector benefits (source: Employer Costs for Employee Compensation – December 2018 at <https://www.bls.gov/news.release/eccec.nr0.htm>.)

14. Provide estimates of the annualized costs to the Federal Government. Also provide a description of the method used to estimate cost, which should include quantifications 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. Agencies may also aggregate cost estimates from Items 12, 13 and 14 in a single table.

It is estimated that it costs the Government \$207,496 annually to collect and sufficiently analyze the information received from the public on the forms listed in Question 12 above. This figure is based on 1,614.5 hours of the average salaries (plus benefits) of CFTC's five operational Contracting Officer positions.³ The current average annual salary for CFTC's four CT-14 Contracting Officer positions is \$177,398, while the current average annual salary for CFTC's one CT-15 Contracting Officer position is \$207,142, resulting in a weighted average annual salary of \$183,347 for the five positions. Dividing this figure by 2,087 hours [5 U.S.C. 5504(b)] yields a weighted average hourly rate of \$87.85. This rate was then increased by \$40.67 (46.3%) for estimated federal benefits (source: December 2018 Employer Costs for Employee Compensation – Table 2. Civilian workers, by occupational and industry group; "Management, business, and financial" group. <https://www.bls.gov/news.release/ecec.t02.htm>), resulting in the loaded hourly rate of \$128.52. Applying this rate to the 1,614.5 estimated total federal burden hours results in a total annual Government burden of \$207,496 for time spent in analyzing data submitted on the various contracting forms.

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

Changes in the current renewal reflect the fact that acquisition requirements change from year to year. Estimated increase in the number of responses are due to the Commission's higher acquisition volume, but the slight decrease in burden hours, from 1556 hours in 2016, to 1516 hours currently, may reflect streamlining of forms and/or better technology.

16. For collection of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis and publication. 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.

This question does not apply.

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.

This question does not apply.

³ It is estimated that CFTC Procurement Staff spends a total of 807.25 hours annually to process Standard Form (SF) 1449 and SF 30 (150 of SF 1449 x 5 hrs/form + 229 of SF 30 x .25 hr/form, or 750 hrs + 57.25 hrs = 807.25 hrs). As with the case regarding respondents' reporting burdens, this figure reflecting the government's processing burden (807.25 hours) is then multiplied by 2 = 1,614.5 hours, to capture an estimate of the effects of competition, since the Commission typically receives more than 1 response per form for each solicitation.

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

This question does not apply.

Attachment A

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Respondents’ Reporting Burden

| Regulation | Estimated Number of Respondents | Reports by Each Respondent | Total Annual Responses | Estimated Average Number of Hours per Response | Estimated Total Annual Number of Hours | Hourly Cost per Response | Total Annual cost of all responses (See note 1) |
|------------------|---------------------------------|----------------------------|------------------------|--|--|--------------------------|---|
| 48 CFR 53.212 | 300 | 1 | 300 | 2 | 600 | \$29.03 | \$17,418 |
| 48 CFR 53.243 | 458 | 1 | 458 | 2 | 916 | \$29.03 | \$26,591 |
| | 758 | | 758 | | 1,516 | | \$44,009 |

Recordkeeping Burden

| | | | | | | | |
|------------|-----|--|--|--|--|--|--|
| See Note 2 | N/A | | | | | | |
|------------|-----|--|--|--|--|--|--|

NOTES:

- 1 – Assume a reporting burden of approximately 2 hours per response per year, for a total of 1,516 hours. At \$29.03/hour for administrative support, this translates into a cost of \$44,009.
- 2 – No Third Party Reporting or Recordkeeping Burden is being reported at this time. The agency is not aware of any such burden to report.