

**SUPPORTING STATEMENT
FOR INFORMATION COLLECTION SUBMISSION 9000-0029,
EXTRAORDINARY CONTRACTUAL ACTION REQUESTS**

FAR Section(s) Affected: 50.103-3, 50.103-4, 50.104-3, 52.250-1

A. Justification.

1. **Administrative requirements.** This request covers the collection of information under 50 U.S.C. 1431 et seq. and Executive Order (EO) 10789 dated November 14, 1958, as amended by E.O. 12919 dated June 3, 1994, EO 13232 dated October 20, 2001, and EO 13286 dated February 28, 2003, that allows contracts to be entered into, amended, or modified in order to facilitate national defense.

This authority applies to the Government Printing Office; the Department of Homeland Security; the Tennessee Valley Authority; the National Aeronautics and Space Administration; the Department of Defense; the Department of the Army; the Department of the Navy; the Department of the Air Force; the Department of the Treasury; the Department of the Interior; the Department of Agriculture; the Department of Commerce; and the Department of Transportation. Also included is the Department of Energy for functions transferred to that Department from other authorized agencies and any other agencies that may be authorized by the President.

In order for a firm to be granted relief under the Act, specific evidence must be submitted which supports the firm's assertion that relief is appropriate and that the matter cannot be disposed of under the terms of the contract.

FAR 50.103-3 specifies the minimum information that a contractor must include in a request for contract adjustment in accordance with FAR 50.103-1 and 50.103-2.

FAR 50-103-4 sets forth additional information that the contracting officer or other agency official may request from the contractor to support any request made under FAR 50.103-3.

FAR 50.104-3 sets forth the information that the contractor shall include in a request for the indemnification clause to cover unusually hazardous or nuclear risks.

FAR 52.250-1, Indemnification under Public Law 850804, requires in paragraph (g) that the contractor shall promptly notify the contracting officer of any claim or action against, or loss by, the contractor or any subcontractors that may reasonably to involve indemnification under the clause.

2. **Uses of information.** The information is used by the Government to determine if relief can be granted under the Act and to determine the appropriate type and amount of relief.

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. **Describe efforts to identify duplication.** This requirement is being issued under the Federal Acquisition Regulation (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.** This information is only collected when the contractor needs to request a contract adjustment, when the contractor requests inclusion of the clause 52.250-1 Indemnification under Public Law 85-804 for unusually hazardous or nuclear, or when the contractor needs to report any claim, loss, or damage covered by the clause. Collection of information on a less frequent basis 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 25809, on June 4, 2019. No comments were received.

B. A 30-day notice was published in the *Federal Register* at 84 FR 40056 on August 13, 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. **Estimated total annual public hour and cost burden.** The information collection clearance for FY 2016 was based on an extrapolation from data reported by the Department of Defense for FY 2015. There is no known program change since the previous clearance, so the extrapolated data from 2015 was utilized for the renewal. In an effort to provide greater clarity, the burden associated with requirements in FAR part 50 and clause 52.250-1 have been broken out.

a. FAR 50.103-3 and 50.103-4

Estimated respondents/yr.....	10
Responses annually.....	<u>x 1</u>
Total annual responses.....	10
Estimated hrs/response.....	<u>x 24</u>
Estimated total burden/hrs.....	240
Average wages/hr.(\$ 40.51/hr.+36% OH)**	<u>x \$ 55</u>
Estimated cost to public.....	\$13,200

b. FAR 50.104-3

Estimated respondents/yr.....	18
Responses per respondent.....	<u>x 8</u>
Total annual responses.....	144
Estimated hrs/response.....	<u>x 40</u>
Estimated total burden/hrs.....	5,760
Average wages/hr.(\$ 40.51/hr.+36% OH)**	<u>x \$ 55</u>
Estimated cost to public.....	\$316,800

c. FAR 52.250-1

Estimated respondents/yr.....	10***
Responses per respondent.....	<u>x 1</u>
Total annual responses.....	10
Estimated hrs/response.....	<u>x 80</u>
Estimated total burden/hrs.....	800
Average wages/hr.(\$ 40.51/hr.+36% OH)**	<u>x \$ 55</u>
Estimated cost to public.....	\$44,000

***This is a subset of the 18 respondents in b.

d. Total

Estimated respondents/yr.....	28
Responses per respondent.....	<u>x 5.9*</u>
Total annual responses.....	165
Estimated hrs/response.....	<u>x 41.5*</u>
Estimated total burden/hrs.....	6,848
Average wages/hr.(\$ 40.51/hr.+36% OH)**	<u>x \$ 55</u>
Estimated cost to public.....	\$374,000

The estimated cost per response is \$2,266.

*weighted average

** The estimated cost to public is a rate equivalent to a GS-12, Step 5 or \$40.51/hour (from the 2019 OPM GS Salary Table), added overhead at 36 percent (the OMB-mandated burden rate of 36.25% for A-76 public-private competitions of 36.25, rounded to 36%), and rounded average wage to the nearest whole dollar, or \$55/hour.

14. **Estimated cost to the Government.** Time required for Governmentwide review is estimated at 23.9 hours per response.

Annual Reporting Burden and Cost

a. FAR 50.103-3 and 50.103-4			
Annual responses.....			10
Estimated hrs/response.....	x	24	
Estimated total burden/hrs.....			240
Average wages/hr.(\$ 40.51/hr.+36% OH)**.....	x	\$ 55	
Estimated cost to government.....			\$11,040
b. FAR 50.104-3			
Annual responses.....			144
Estimated hrs/response.....	x	20	
Estimated total burden/hrs.....			2,880
Average wages/hr.(\$ 40.51/hr.+36% OH)**.....	x	\$ 55	
Estimated cost to government.....			\$158,400
c. FAR 52.250-1			
Annual responses.....			10
Estimated hrs/response.....	x	80	
Estimated total burden/hrs.....			800
Average wages/hr.(\$ 40.51/hr.+36% OH)**.....	x	\$ 55	
Estimated cost to government.....			\$44,000
d. Total			
Total annual responses.....			164
Estimated hrs/response.....	x	23.9*	
Estimated total burden/hrs.....			3,920
Average wages/hr.(\$ 40.51/hr.+36% OH)**.....	x	\$ 55	
Estimated cost to government.....			\$215,578

*weighted average

**The estimated cost to government is a rate equivalent to a GS-12, Step 5 or \$40.51/hour (from the 2016 OPM GS Salary Table), added overhead at 36 percent (the OMB-mandated burden rate of 36.25% for A-76 public-private competitions rounded to 36%), and rounded average wage to the nearest whole dollar, or \$55/hour.

15. Explain reasons for program changes or adjustments reported in Item 13 or 14.

This submission requests a revision and renewal of an information collection requirement in the FAR. For greater clarity, the burden associated with FAR subpart 50 and 52.250-1 have been separately identified and evaluated. Note the total estimated number of respondents, the estimated number of total responses, and the weighted average of hours per response for the public and for the Government have remained the same. These values are based on DoD reported data for 2015 and the advice of subject matter experts. There is no known program change, so the extrapolated data from 2015 was utilized. The change in the total estimated cost to the public and Government are due to the increase in the full burdened hourly rates.

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.