

**OMB CONTROL NO.9000-0114,
FAR 7.305(c)
RIGHT OF FIRST REFUSAL OF EMPLOYMENT
SUPPORTING STATEMENT**

A. Justification.

1. **Administrative Requirement.** As prescribed in FAR 7.305(c), the clause at FAR 52.207-3, Right of First Refusal of Employment, deals with adversely affected or separated Government employees resulting from the conversion of work from in-house performance to performance by contract. The clause requires the contractor to give these employees an opportunity to work for the contractor who is awarded the contract.

This justification supports a request for renewal of OMB Control Number 9000-0114, which is scheduled to expire August 31, 2016 and proposes that OMB extend its approval for use through August 31, 2019.

2. **Uses of Information.** The information gathered is used by the Government to gain knowledge of which employees, adversely affected or separated as a result of the contract award, have gained employment with the contractor within 90 days after contract performance begins.

3. **Consideration of Information Technology.** We use improved information technology to the maximum extent practicable. FAR clause 52.207-3 requires contractors to report to the contracting officer the names of individuals identified on the list who are hired within 90 days after contract performance begins. This report may be transmitted either electronically or by "paper" mail to the respective contracting officer within 120 days after contract performance begins. It is in the contractor's discretion to submit the list via electronic methods or paper.

4. **Efforts to Identify Duplication.** This requirement is being issued under the Federal Acquisition Regulation (FAR) that has been developed to standardize Federal procurement practices and eliminate unnecessary duplication.

5. **Small Business.** The burden applied to small businesses is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices.

6. **Consequences for Non-Collection.** Similar information is not already available to the contracting officer or buyer.

7. **Special Circumstances.** Collection of information on a basis other than solicitation-by-solicitation is not practical. Collection is consistent with guidelines in 5 CFR 1320.6.

8. **Public Comment and Consultation.** A 60-day notice was published in the *Federal Register* at 84 FR 27779 on June 14, 2019. No comments were received. A 30-day notice published in the *Federal Register* at 84 FR 44307 on August 23, 2019.

9. **Payment to Respondent.** No payment of gift will be provided to respondents.

10. **Confidentiality.** The information collected is disclosed only to the extent consistent with prudent business practice, current regulations, and statutory requirements. No assurance of confidentiality is provided to respondents.

11. **Sensitive Questions.** No sensitive questions are involved.

12. **Estimates of Public Burden Hours and Associated Annualized Cost.** Public Law 113-235, Consolidated and Further Continuing Appropriations Act, 2015 prohibits the conversion to contract performance of any work currently performed (or designated for performance) by civilian personnel.

Based on this Governmentwide moratorium and considering the possibility that some exceptions may exist, the Government estimates a minimal number (10) of respondents for OMB Control NO.9000-0114. Historically, the time required to read and prepare information was estimated at 3 hours per completion.

In consideration that this statute maybe subject to change, the public burden related to FAR 7.305(c) will be reassessed at the next renewal of the Paperwork Reduction Act clearance.

	Note	52.207-3
Number of respondents		10
Responses per respondent		1
Annual responses		10
Hours per response		3
Total hours		30
Cost per hour	(1)	\$62
Total Annual Cost to Public		\$1,860

Note (1): The cost per hour is based on the equivalent hourly pay rate for a GS-12, Step 5, or \$45.44 (from the OPM

Salary Table for 2019) plus overhead at 36.25 percent (from the OMB-mandated burden rate to be used for A-76 public-private competitions), \$61.91, or rounded to the nearest whole dollar, \$62. The estimated cost per response is \$186.

13. Estimated Nonrecurring Costs. None

14. Estimated Annual Cost to the Government. Due to the Governmentwide moratorium on the use of funds for public-private competitions that prohibits the conversion to contract performance of any work currently performed (or designated for performance) by civilian personnel, this supporting statement estimates a minimal number (10) of respondents and little cost to the Government for processing A-76 documents. Historically, the time required for Government-wide review is estimated at .5 hours per response.

	Note	52.207-3
Number of respondents		10
Responses per respondent		1
Annual responses		10
Hours per response		0.5
Total hours		5
Cost per hour	(1)	\$62
Total Annual Cost to Public		\$310

Note (1): The cost per hour is based on the equivalent hourly pay rate for a GS-12, Step 5, or \$45.44 (from the OPM Salary Table for 2019) plus overhead at 36.25 percent (from the OMB-mandated burden rate to be used for A-76 public-private competitions), or \$61.91, rounded to the nearest whole dollar, \$62.

15. Explain reasons for program changes or adjustments reported in Item 13 and 14. The estimates are revised to accommodate the Governmentwide moratorium on the use of funds for public-private competitions that prohibits the conversion to contract performance of any work currently performed (or designated for performance) by civilian personnel. This supporting statement estimates no more than a minimal number (10) of respondents and little cost to the Government for processing A-76 documents that may be still in effect.

16. Publication. Results will not be published.

17. **Expiration date.** We do not seek approval to not display the expiration dates for OMB approval of the information collection.

18. **Certification.** There are no exceptions to the certification accompanying this Paperwork Reduction Act submission.

B. Collection of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.