

**SUPPORTING STATEMENT**  
**OMB Control No. 9000-0184, Contractors Performing Private**  
**Security Functions Outside the United States**

**A. Justification**

**1. Administrative requirements.**

In accordance with Federal Acquisition Regulation (FAR) 52.225-26, Contractors Performing Private Security Functions Outside the United States requires contractors performing in areas such as Iraq and Afghanistan to ensure that their personnel performing private security functions comply with 32 CFR part 159<sup>1</sup>, including (1) accounting for Government-acquired and contractor-furnished property and (2) reporting incidents in which a weapon is discharged, personnel are attacked or killed or property is destroyed, or active, lethal countermeasures are employed.

**2. Uses of information.**

Contractors and subcontractors for which this is applicable are required to:

(1) Register, process, account for, manage, oversee, and keep appropriate records of personnel performing private security functions;

(2) Authorize and account for weapons to be carried by, or available to be used by, personnel performing private security functions;

(3) Register and identify armored vehicles, helicopters, and other military vehicles operated by Contractors performing private security functions.

In addition, the following types of incidents must be reported to the geographic combatant commander if and when they occur:

(1) A weapon is discharged by personnel performing private security functions;

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<sup>1</sup> 32 CFR part 159 is entitled "Private Security Contractors Operating in Contingency Operations, Combat Operations or Other Significant Military Operations."

(2) Personnel performing private security functions are attacked, killed, or injured;

(3) Persons are killed or injured or property is destroyed as a result of conduct by contractor personnel;

(4) A weapon is discharged against personnel performing private security functions or personnel performing such functions believe a weapon was so discharged; or

(5) Active, non-lethal countermeasures (other than the discharge of a weapon) are employed by personnel performing private security functions in response to a perceived immediate threat.

Geographic combatant commanders and/or the relevant Chief of Mission use the information to keep track of contractor personnel and assets in theater. Reporting of incidents is necessary for the geographic combatant commander to respond as deemed necessary.

The Department of Defense (DoD) has an existing system (see 3 below) to collect this information. This supporting statement is for non-DoD agencies.

### **3. Consideration of information technology.**

Information technology has been applied to the maximum extent possible. The requirement for DoD contractors and subcontractors to register personnel, weapons, and vehicles predates this statute and has been approved under OMB Control Number 0704-0460, Synchronized Predeployment and Operation Tracker (SPOT) System. Collection of the required information is a contractual condition of the clause at DFARS 252.225-7040, Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States. SPOT is a web-based system.

### **4. 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.**

Collection of information is on a one-time basis and is only updated as changes occur. Any other collection method 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 60-day notice published in the Federal Register at 84 FR 17830 on April 26, 2019. One comment was received. The analysis of the public comment is summarized as follows:

**a. Collection activity is not accurate.**

**Comment:** The respondent expressed that the collection activity is not accurate, because it only gives two examples of the purposes of the collection.

**Response:** Paragraph 2, Uses of Information, outlines the requirements of the information collection activity, which are in alignment with FAR clause 52.225-26. Therefore, it is deemed no change is necessary because the information collection adequately collects the required information.

**b. Low burden estimate.**

**Comment:** The respondent states that the burden estimate seems low for 16 private security companies, each giving 5 responses which takes a small amount of time to complete.

**Response:** The burden estimate has been increased. Based on a survey conducted by DoD's Program Manager, Armed Contingency Contractor Policy and Programs that oversees Private Security Contractor policy, it has been concluded that the estimated hours per response were underestimated. Therefore, the response time has increased from .167 to 0.5 hour.

**c. Reporting form.**

**Comment:** The respondent indicated that an actual form should be approved along with the information collection to provide sufficient details on the reporting requirements.

**Response:** It has been deemed that a standard form is not required since this information collection, in conjunction with FAR clause 52.225-26, provides sufficient detailed reporting requirements.

A 30-day notice was published in the *Federal Register* at 84 FR 48354 on September 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 analysis below applies only to contracts and subcontracts of non-DoD agencies. DoD's information collection has been approved previously under OMB Control Number 0704-0460. Based on information from the Federal Procurement Data System (FPDS), an average of 16 contracts per year include the requirements of FAR 52.225-26. Based on information from a survey conducted by DoD's Program Manager, Armed Contingency Contractor Policy and Programs that oversees Private Security Contractor policy, the average time required to identify and report information is 0.5 hour per response. The GS salary of the individual identifying and reporting the information is a GS-12/5.

|                                       |                           |
|---------------------------------------|---------------------------|
| Estimated respondents/year.....       | 16                        |
| Reponses annually.....                | x <u>5</u>                |
| Total annual responses.....           | 80                        |
| Estimated hours/response.....         | x <u>.5</u>               |
| Estimated total burden hours.....     | 40                        |
| Cost/hour.....                        | x <u>\$55<sup>2</sup></u> |
| Total annual cost to respondents..... | \$ 2,200                  |

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<sup>2</sup> Based on a GS-12 Step 5 or \$40.51/hour (from the 2019 OPM Salary Table equivalent salary), added overhead at 36.25 percent, and rounded to the nearest whole dollar, or \$55/hour.

**14. Estimated cost to the Government.**

Time required for Government review is estimated at .5 hours per response.

Total annual responses..... 80

Estimated hours/response..... x .5

Estimated total burden hours..... 40

Cost/hour..... x \$ 55

Total annual cost to Government..... \$ 2,200

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

This submission requests a revision and extension of OMB approval of an information collection requirement in the Federal Acquisition Regulation (FAR). The total public burden hours have increased to 0.5 based on data provided from the Federal Procurement Data System (FPDS) and data provided by DoD's Program Manager, Armed Contingency Contractor Policy and Programs that oversees Private Security Contractor policy. This is an increase from .167 hours per response published in the first notice. The data collection has been refined based upon what was previously reported.

The wage rate has increased from the last renewal. The wage rate is changed from GS-11/5 to GS-12/5 because it is more probable that this function would be completed by a GS-12/5 employee. Due to the increase in the estimated hours per response, the estimated total burden hours increased from 13.36 to 40. Therefore the total annual cost to respondents is increase from \$734.80 to \$2,200.

**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.