

SUPPORTING STATEMENT – PART A

OMB Control Number 0704-0286 — Defense Federal Acquisition Regulation Supplement, Part 205, Publicizing Contract Actions, and Related Clause at DFARS 252.205

A. JUSTIFICATION

1. Need for the Information Collection

This justification supports a renewal and revision of OMB Control Number 0704-0286 for DFARS part 205, Publicizing Contract Actions, and a related clause at 252.205. DFARS clause 252.205-7000, Provision of Information to Cooperative Agreement Holders, is included in solicitations and contracts, including solicitations and contracts using Federal Acquisition Regulation (FAR) part 12 procedures for the acquisition of commercial items that are expected to exceed \$1,000,000.

This clause implements 10 U.S.C. 2416 by requiring contractors to provide cooperative agreement holders, upon request, with a list of the contractor's employees or offices responsible for entering into subcontracts under Department of Defense (DoD) contracts. The list must include the business address, telephone number, and area of responsibility of each employee or office. The Contractor need not provide the listing to a particular cooperative agreement holder more frequently than once a year.

2. Use of the Information

Upon receipt of a contractor's list, the cooperative agreement holder, as part of the Procurement Technical Assistance Program (PTAP), utilizes the information to help businesses identify and pursue contract opportunities with DoD. PTAP is administered by the Defense Logistics Agency's Office of Small Business in cooperation with states, local governments and nonprofit organizations. The purpose of the program is for the agreement holders to expand the number of businesses capable of participating in Government contracts.

3. Use of Information technology

Information technology is used 100% of the time to reduce burden. Where both the Government agency and contractors are capable of electronic interchange, contractors may submit this information collection requirement electronically. This information collection complies with the Government Paperwork Elimination Act, Pub. L. 105-277, Title XVII.

4. Non-duplication

As a matter of policy, DoD reviews the FAR to determine if adequate language already exists. The language in DFARS part 205 applies solely to DoD and is not considered duplicative of the language in FAR part 5. Since the nature of the reporting requirement is contract specific, similar information is not readily available.

5. Burden on Small Business

The collection of this information is not expected to have a significant impact on a substantial number of small businesses or other small entities. The requirements for this information collection are determined on a case-by-case basis, as the circumstances dictate. The burden applied to small businesses is the minimum consistent with applicable laws, Executive orders, and prudent business practices.

6. Less Frequent Collection

Every attempt is made to keep the frequency of this collection to a minimum. As such, this information collection complies with the requirement of 10 U.S.C. 2416, which establishes that contractors need not provide listings to a particular cooperative agreement holder more frequently than once a year.

7. Paperwork Reduction Act Guidelines

There are no special circumstances for collection. Collection of this information is consistent with the guidelines at 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

a. This information collection is consistent with the guidelines in 5 CFR 1320.6. In accordance with 5 CFR 1320.8(d), public comments were solicited in the Federal Register on February 27, 2020 ([85 FR 11352](#)). No comments were received.

b. A subject matter expert reviewed the validity of the information collection requirements for the clause to provide updated estimates of the public burden. The burden, included in paragraph 12 below, reflects the validation of the need for the collection requirement, judgement, and best estimates of the DoD subject matter expert.

c. A notice of submission to OMB for clearance of this information collection was published in the *Federal Register* on May 28, 2020 ([85 FR 32021](#)).

9. Gifts or Payment

DoD will not provide a payment or gift to respondents of this information collection requirement.

10. Confidentiality

This information is disclosed only to the extent consistent with statutory requirements, current regulations, and prudent business practices. The collection of information does not include any personally identifiable information and records are not retrievable by PII; therefore, no Privacy Impact Assessment or Privacy Act System of Records Notice is required.

11. Sensitive Questions

No sensitive questions are involved in the information collection.

12. Respondent Burden, and its Labor Costs

a. Estimation of Respondent Burden

The estimated respondent burden is based on information generated from the Federal Procurement Data System (FPDS) using an average of fiscal year (FY) 2017, 2018, and 2019 data and estimates of processing times from contracting professionals familiar with cooperative agreements. The number of respondents is based on data from FPDS that indicates that an average of 7,027 contractors are awarded contracts exceeding \$1,000,000 each year. Of those 7,027 contractors, the Government estimates that approximately 90 percent (6,324 contractors) have been awarded contracts over \$1,000,000 in prior years, so only 10 percent (703 contractors) would need to make initial information submissions. The Government estimates that it will take the 703 contractors 2 hours to prepare the initial submissions and transmit them to the cooperative agreement holders. At an estimated cost of \$38 per hour, the annual respondent burden for initial submissions is estimated to be \$53,405.

The remaining 6,324 contractors only need to update information previously developed and provide to the cooperative agreement holder. Based on experience, the Government estimates that it will take the contractor 1 hour to update and send the submission. At an estimated cost of \$38 per hour, the annual respondent burden for subsequent submissions is estimated to be \$240,323. Accordingly, the total estimation of the respondent burden is as follows—

Estimation of Respondent Burden Hours: 252.205-7000	
Number of respondents	7,027
Responses per respondent	1
Number of responses	7,027
Hours per response	1.10
Estimated hours (number of responses multiplied hours per response)	7,730
Cost per hour ¹ (hourly wage)	\$38
Annual public burden (estimated hours multiplied by cost per hour)	\$293,729

¹ Based on the salary table for GS-9/step 5 salary (\$27.93 an hour for base salary) plus 36.25 percent burden, rounded to the nearest dollar, or \$38 an hour. The burden rate used is that mandated by OMB memorandum M-08-13 for use in public-private competition. Reference Salary Table 2019-GS, Rest of US, Effective January 2019, found at www.opm.gov.

13. Respondent Costs Other Than Burden Hour Costs

It is not anticipated that the information collection will generate any additional annualized costs to respondents other than the labor burden costs addressed in Item 12.

14. Cost to the Federal Government

DFARS 252.205-7000 requires prime contractors to submit the requested information directly to the cooperative agreement holders. Since the Government does not review or participate in any manner in the transaction, there is no Government burden associated with this requirement.

15. Reasons for Change in Burden

This is a revision of a currently approved public information collection. There has been a change in burden estimates since the last time this collection was reviewed in March 2017.

0704-0286 ICR	2017	2020	Change
Number of respondents	6,272	7,027	755
Responses per respondent	1	1	0
Number of responses	6,272	7,027	755
Hours per response	1.10	1.10	0
Estimated hours	6,899	7,730	831
Cost per hour	\$32	\$38	\$6.00
Annual public burden	\$220,768	\$220,768	\$72,972

The number of respondents changed because it is based on a three-year average of the total number of unique awardees of all contracts over \$1,000,000 in a fiscal year. This number varies based on DoD budget and requirements. The total hours and total cost to the public also increased because they are based on the number of respondents. The cost per hour for contractor responses increased from \$32 to \$38 per hour because OPM increased the GS hourly wage for a GS-9, step 5 employee since 2017.

16. Publication of Results

Results of this collection will not be published.

17. Non-Display of OMB Expiration Date

DoD does not seek approval to not display the expiration dates for OMB approval of the information collection.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

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