

## SUPPORTING STATEMENT – PART A

### Defense Federal Acquisition Regulation Supplement (DFARS) Part 239, Acquisition of Information Technology, and associated clause at DFARS 252.239-7000; OMB Control Number 0704-0341

#### Summary of Changes from Previously Approved Collection

- The title of the collection has been changed to remove the reference to the clause at 252.239-7006.
- The information collection has been changed to remove the clause 252.239-7006.
- The burden has been decreased due to the removal of the clause 252.239-7006.

#### A. JUSTIFICATION

##### 1. Need for the Information Collection

a. This justification supports renewal of OMB Control Number 0704-0341 for Defense Federal Acquisition Regulation Supplement (DFARS) Part 239—Acquisition of Information Technology, and associated clause.

i. DFARS clause 252.239-7000, Protection Against Compromising Emanations, is prescribed at DFARS 239.7103(a) for use in solicitations and contracts involving technology that requires protection against compromising emanations. Paragraph (b) of the clause requires the contractor to provide, upon request of the contracting officer, documentation supporting the accreditation of information assurance requirements (e.g., National Security Agency National TEMPEST Standards or other standards specified by the contract).

ii. DFARS 239.7408, Special Construction, requires a detailed special construction proposal be obtained from a common carrier that submits a proposal or quotation with special construction requirements.

b. DFARS clause 252.239-7006, Tariff Information, prescribed at DFARS 239.7411(a) for use in solicitations, contracts, and basic agreements for telecommunications services, is removed from this collection. The final rule for DFARS Case 2018-D044, Repeal of DFARS Clause “Tariff Information,” removed this clause from the DFARS pursuant to action taken by the DoD Regulatory Reform Task Force under Executive Order (E.O.) 13777, Enforcing the Regulatory Reform Agenda.

##### 2. Use of Information

The information obtained through DFARS part 239 and the clause prescribed therein, is obtained occasionally, as required. The information is used to ensure that computer equipment or systems delivered under a contract are adequate to safeguard national security information and to ensure that DoD pays fair and reasonable prices for special construction under contracts for telecommunications services.

### 3. Use of Information Technology

Information technology is used to collect the information (100%). Contractors typically communicate via electronically via email.

### 4. Non-duplication

As a matter of policy, DoD reviews the Federal Acquisition Regulation (FAR) to determine whether adequate language already exists. The language in DFARS part 239 and the clause at 252.239-7000 applies solely to DoD and is not duplicative of language in the FAR. Similar information is not otherwise available to contracting officers.

### 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 information collection are only occasional, as the circumstances dictate, and the burden on large and small entities is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices.

### 6. Less Frequent Collection

DoD specialists who are most knowledgeable of the requirements and the need for the information reviewed the information collection frequency. Failure to collect this information may result in increased costs and compromise of sensitive national security information. DoD agencies may lack information necessary to ensure that computer systems are secure or to negotiate reasonable prices for contracts involving special construction.

### 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. Subject matter experts within DoD were consulted regarding the renewal of this information collection.

b. This information collection is consistent with the guidelines in 5 CFR 1320.6. Public comments were solicited in the *Federal Register* on November 5, 2020 ([85 FR 70592](#)). One comment submission form was submitted; however, the submission did not contain a comment.

c. A notice of submission to OMB for clearance of this information collection was published in the *Federal Register* on January 13, 2021 ([86 FR 2651](#)).

9. Gifts or Payment

DoD will not provide a payment or gift to respondents under 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; therefore, no Privacy Impact Assessment or Privacy Act System of Records Notice is required.

11. Sensitive Questions

No sensitive questions are involved.

12. Respondent Burden and Labor Costs

(a) The estimated burden for DFARS clause 252.239-7000 to provide, upon request of the contracting officer, documentation supporting the security accreditation of the information technology, is provided in the table below. The estimated number of respondents and responses is based on the number of contract awards that contained DFARS clause 252.239-7000 on average for fiscal years 2017-2019. The Government’s Electronic Document Access (EDA) system is the source of the data.

Estimation of Respondent Burden: 252.239-7000	
Number of respondents	817
Responses per respondent	7.3
Number of responses	5,929
Hours per response	0.5
Estimated hours	2,965
Cost per hour (hourly wage) (Note)	\$47
Cost per response	\$23.50
Annual public burden (estimated hours multiplied by cost per hour)	\$139,355

Note:

The cost per hour is based on the Office of Personnel Management (OPM) 2020 General Schedule Locality Pay Table for the Rest of the United States hourly rate of \$34.76 for a GS-11, Step 5, plus the 36.25% civilian personnel full fringe benefit rate from OMB Memo M-08-13 (\$12.60), rounded to the nearest dollar (\$47). The cost per hour reflects that the preparation and submission of documentation pertaining to information assurance accreditation is typically accomplished at a level commensurate with a GS-11 equivalent Government employee.

(b) The total estimated burden associated with DFARS 239.7408, Special Construction, is provided in the table below. The estimate was provided by a Government subject matter expert from the DoD agency responsible for telecommunications.

Estimation of Respondent Burden: DFARS 239.7408	
Number of respondents	3
Responses per respondent	1
Number of responses	3
Hours per response (rounded)	20
Estimated hours (number of responses multiplied by hours per response)	60
Cost per hour (hourly wage) (Note)	\$47
Cost per response	\$940
Annual public burden (estimated hours multiplied by cost per hour)	\$2,820

Note:

The cost per hour is based on the OPM 2020 General Schedule Locality Pay Table for the Rest of the United States hourly rate of \$34.76 for a GS-11, Step 5, plus the 36.25% civilian personnel full fringe benefit rate from OMB Memo M-08-13 (\$12.60), rounded to the nearest dollar (\$47).

(c) The total estimated burden associated with OMB Control Number 0704-0341 is provided in the table below:

Estimation of Respondent Burden: Total 0704-0341	
Number of respondents	820
Responses per respondent (on average)	7
Number of responses	5,932
Hours per response (approximate)	0.5
Estimated hours	3,025
Cost per hour (hourly wage)	\$47
Cost per response	\$23.97
Annual public burden (estimated hours X cost per hour)	\$142,175

### 13. Respondent Costs Other Than Burden Hour Costs

DoD does not estimate any annual cost burden apart from the hourly burden in Item 12 above.

14. Cost to the Government

The estimated cost to the Government is shown in the following table.

Estimated Cost to the Government: DFARS 252.239-7000 and 239.7408	
Number of responses	5,932
Hours per response	0.5
Estimated hours	3,025
Cost per hour (hourly wage) (Note)	\$47
Cost to Government	\$142,175

Notes:

The cost per hour is based on the OPM 2020 General Schedule Locality Pay Table for the Rest of the United States hourly rate of \$34.76 for a GS-11, Step 5, plus the 36.25% civilian personnel full fringe benefit rate from OMB Memo M-08-13 (\$12.60), rounded to the nearest dollar (\$47).

15. Reasons for Change in Burden

a. The change in burden from fiscal year (FY) 2017 to 2020 is shown in the following table:

DFARS 252.239-7000 and 239.7408			
Change in Burden	2017	2021	Difference
Number of respondents	750	820	+70
Responses per respondent	14	7	-
Total annual responses	10,500	5,932	-4,568
Hours per response	0.5	0.5	-
Total Hours	5,250	3,025	-2,225
Cost per hour	\$45	\$47	-
Total Cost	\$236,250	\$142,175	-\$94,075

b. The primary reason for the revision in the estimates for this renewal request results from a program change from the removal of the clause 252.239-7006, Tariff Information, from the DFARS, pursuant to action taken by the DoD Regulatory Reform Task Force under E.O. 13777, Enforcing the Regulatory Reform Agenda. Further adjustments are made as a result of using fiscal year data on average for FY 2017 through 2019 from the EDA system, which reflects the actual number of awardees and contracts that include the clause 252.239-7000 in lieu of using more generalized information from the Federal Procurement Data System. Information for the DFARS 239.7408 requirement was obtained from the Government subject matter experts within the Defense Information Security Agency (DISA), which has responsibility for

telecommunications and reflects consistent numbers of respondents and hours. This reflects the fact that, given the current state of technology, common carriers do not typically require new (special) construction.

16. Publication of Results

Results of this information will not be tabulated or published.

17. Expiration Date

DoD does 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.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods will not be employed.