

**SUPPORTING STATEMENT  
FOR PAPERWORK REDUCTION ACT SUBMISSION  
OMB CONTROL NO.9000-0037  
PRESOLICITATION NOTICE AND RESPONSE**

**FAR sections affected: 14.205; 15.201(c); and 36.213-2**

**A. Justification.**

**1. Administrative requirements.** Presolicitation notices are used by the Government to inform, and, where specified, solicit a response from potential offerors or bidders. The primary purposes of the notices are to improve small business access to acquisition information and enhance competition by identifying contracting and subcontracting opportunities. This clearance covers the information that offerors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

- For sealed bidding (FAR 14.205), presolicitation notices briefly describe requirements and provide other essential information to enable potential bidders to determine whether they have an interest in the invitation and if appropriate, respond by communicating their interest in receiving the invitation for bid;
- For contracting by negotiation (FAR 15.201(c)), presolicitation notices provide a means of early exchanges of information about future acquisitions between Government and industry, to which potential offerors may respond with feedback concerning acquisition strategy, terms and conditions, and any other concerns or questions.
- For construction contracts (FAR 36.213-2), presolicitation notices are required for construction requirements in excess of the simplified acquisition threshold to communicate essential information on the requirements, to which potential bidders may respond communicating their interest in receiving the invitation for bid.

**2. Uses of information.** The Contracting Officer will use the information as follows:

- For sealed bidding, to include interested bidders in the distribution of the invitations for bids; and

- For contracting by negotiation, to consider the industry feedback in shaping the acquisition strategy.

**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. Efforts to identify duplication.** These requirements are issued under the 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.** For sealed bidding, potential bidders would not be aware of pertinent information on upcoming invitations for bid and would not be able to communicate interest in receiving invitations for bid when issued. For contracting by negotiation, neither Government nor potential offerors would benefit from early exchanges and the industry feedback exchanges provide.

**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 85 FR 66565, on October 20, 2020. One comment was received; however, it did not change the estimate of the burden.

Comment: The commenter requested the requirement for presolicitation notices be removed from the FAR. The commenter does not see their value; and stated that

presolicitation notices lengthen the acquisition timelines unnecessarily.

Response: Presolicitation notices are required by statute; see FAR 5.201. The primary purposes of the notices are to improve small business access to acquisition information and enhance competition by identifying contracting and subcontracting opportunities. The commenter did not express an opinion on whether the estimated number of burden hours is accurate; or ways to minimize the burden of the collection of information.

B. A 30-day notice was published in the *Federal Register* at 86 FR 305, on January 5, 2021.

**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, current regulations, and statutory requirements.

**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 number of presolicitation notices issued Governmentwide in the last 365 days (as of September 24, 2020) per beta.SAM.gov was 28,295. We estimate that three respondents on average would reply to a presolicitation notice. Seventy percent of the respondents would be replying to a presolicitation notice for the first time. Based on this info, we feel that the estimated respondents would number 59,420 (70% of (28,295 x 3)). We also estimate that each respondent on average would reply to three presolicitation notices a year. Time required to read and prepare information is estimated at 5 minutes per completion.

Estimated respondents/yr.....	59,420
Responses annually.....	<u>    3</u>
Total annual responses.....	178,260

Estimated hrs/response.....	X	.08
Estimated total burden/hrs.....		14,261
Hourly rate*.....	X	\$47*
Estimated cost to public.....		\$670,267

\*Based on the OPM GS-11/step 5 salary (\$34.76 an hour) plus 36.25% fringe and overhead burden rate, the one mandated by OMB memorandum M-08-13 for use in public-private competition, rounded to the nearest dollar, or \$47 an hour. Reference Salary Table 2020-RUS, Effective January 2020, found at [www.opm.gov](http://www.opm.gov).

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

Time required for Governmentwide review is estimated at 10 minutes per response.

Total annual responses.....		178,260
Review Time per response (hours).....	X	.167
Review time per year (hours).....		29,769
Hourly rate*.....	X	\$47*
Estimated cost to the Government.....		\$1,399,143

**15. Explain reasons for program changes or adjustments reported in Item 13 or 14.** The increase of responses from 50,097 to 178,260 and the associated increase in estimated burden hours from 4,008 to 14,261 is an adjustment due to the additional number of presolicitation notices issued by the Federal Government in beta.SAM.gov.

**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.