

**SUPPORTING STATEMENT
HOMELAND SECURITY ACQUISITION REGULATION (HSAR)
OMB CONTROL NO. 1600-0003
POST-AWARD CONTRACT INFORMATION**

A. JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary

The Department of Homeland Security (DHS) collects information, when necessary, in administering public contracts for supplies and services. The information is used to determine compliance with contract terms placed in the contract as authorized by the Federal Property and Administrative Services Act (41 U.S.C. 251 et seq.), the Federal Acquisition Regulation (FAR) (48 CFR Chapter 1), and the Homeland Security Acquisition Regulation (HSAR) (48 CFR Chapter 30). Respondents submit information based on the terms of the contract; the instructions in the contract deliverables mandatory reporting requirements; and correspondence from acquisition personnel requesting post-award contract information. The least active contracts and the simplest contracts will have little to no data to report. The most active and complex contracts, however, will contain more reporting requirements. DHS believes that some of this information is already readily available as part of a company's business processes and that the largest businesses use computers to compile the data. However, a significant amount of time is spent correlating information to specific contract actions and gathering information for more complex contract actions.

The prior information collection request for OMB No. 1600-0003 was approved through May 31, 2022 by OMB, and includes the following:

- 3052.204-70 Security requirements for unclassified information technology resources. *(Required in all solicitations and contracts that require submission of an IT Security Plan.)* This clause applies to all contractor systems connected to a DHS network and those contracts where the Contractor must have physical or electronic access to sensitive information contained in DHS unclassified systems. The contractor is asked to prepare, provide and maintain an IT Security Plan.
- 3052.204-71 Contractor employee access. *(Required when contractor employees require recurring access to Government facilities or access to sensitive info.)* Contractors may be subject to background investigations and will have to provide information as required by the DHS Security Office. The information requested is in addition to the information requested through Standard Form (SF) 86.
- 3052.205-70 Advertisements, Publicizing Awards, and Releases. *(Required for all contracts exceeding Simplified Acquisition Threshold.)* Contractors may have to provide copies of information related to advertisements and release statements to receive approval for publication.
- 3052.209-72 Organizational Conflict of Interest, paragraphs (f) and (g) *(Included*

in solicitations and contracts where a potential organizational conflict of interest exists and mitigation may be possible.) Contractors will have to provide information related to actual or potential conflicts of interest and a mitigation plan.

- 3052.209-75 Prohibited Financial Interests for Lead System Integrators. (Required in solicitations and contracts for the acquisition of a major system when the acquisition strategy envisions the use of a lead system integrator or when the contractor will be the lead system integrator.) Contractors will have to provide information related to changes in financial interests.
- 3052.209-76 Prohibition on Federal Protective Service Guard Services Contracts with Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony, paragraph (h). *(Section 2 of the Federal Protective Service Guard Contracting Reform Act of 2008, Pub. Law 110-356, generally prohibits DHS from entering into a contract for guard services under the Federal Protective Service (FPS) guard services program with any business concern owned, controlled, or operated by an individual convicted of a serious felony.)* The notification required by paragraph (h) applies to any contractual instrument that may result in the issuance of task orders. Contractors will have to provide information on any felony conviction of personnel who own, control or operate a business during the performance a contract.
- 3052.215-70 Key personnel or facilities. *(Required in solicitations and contracts when the selection for award is substantially based on the offeror's possession of special capabilities regarding personnel or facilities.)* Contractors will have to provide notice of and documentation related to changes in key personnel for evaluation, including, resumes; description of the duties the replacement will assume; description of any change in duties and confirmation that such change will not negatively impact contract performance.
- 3052.216-71 Determination of Award Fee. *(Required in solicitations and contracts that include an award fee.)* Contractor may submit a performance self-evaluation for each evaluation period.
- 3052.217-91 Performance (USCG). *(Required in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be performed outside the United States.)* Contractor must request prior approval to conduct dock and sea trials.
- 3052.217-92 Inspection and Manner of Doing Work (USCG). *(Required in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be*

performed outside the United States.) Contractor must maintain complete records of all inspection work and shall make them available to the Government during performance of the contract and for 90 days after the completion of all work required.

- 3052.217-95 Liability and Insurance (USCG). *(Required in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be performed outside the United States.)* Contractor shall provide evidence of the insurance and give the Contracting Officer written notice after the occurrence of a loss or damage for which the Government has assumed the risk. If any loss or damage will result in a claim against the Government, the contractor shall provide notice.
- 3052.219-70 Small Business subcontracting plan reporting. *(Generally included in solicitations and contracts that offer subcontracting possibilities and are expected to exceed \$700,000)* Contractors must use Electronic Subcontracting Reporting System (eSRS) to submit subcontracting reporting data.
- 3052.219-71 DHS Mentor-Protégé Program. *(Included in solicitations where subcontracting plans are anticipated)* The amount of credit given to a contractor mentor firm for protégé developmental assistance costs must be calculated on a dollar for dollar basis and reported in the Summary Subcontract Report via the Electronic Subcontracting Reporting System (eSRS) at www.esrs.gov.
- 3052.222-70 Strikes or Picketing Affecting Timely Completion of the Contract Work. *(Generally included in solicitations and contracts)* Contractor must take all reasonable and appropriate action to end a strike or picketing. Delay caused by a strike or by picketing which constitutes an unfair labor practice is not excusable unless the Contractor takes all reasonable and appropriate action to end such a strike or picketing, such as the filing of a charge with the National Labor Relations Board, the use of other available Government procedures, and the use of private boards or organizations for the settlement of disputes. The contractor may be required to submit information to the contracting officer.
- 3052.222-71 Strikes or Picketing Affecting Access to a DHS Facility. *(Generally included in solicitations and contracts)* Contractor is responsible if strike or picketing is directed at the Contractor and impedes access by any person to a DHS facility. Contractor must take all reasonable and appropriate action to end a strike or picketing. The contractor may be required to submit information to the contracting officer.
- 3052.223-70 Removal or disposal of hazardous substances – applicable licenses and permits. *(Required in solicitations and contracts involving the removal or disposal of hazardous waste material)* Contractors will have to provide evidence

of licenses and permits to perform hazardous substance removal.

- 3052.223-90 Accident and Fire Reporting (USCG). (*Included in solicitations and contracts involving the removal of hazardous waste material*) Contractor must report incidents involving fire or accidents at a worksite. Contractors may provide this information using a state, private insurance carrier, or Contractor accident report form.
- 3052.228-91 Loss of or Damage to Leased Aircraft (USCG). (*Included in any contract for the lease of an aircraft*) In the event of loss of or damage to an aircraft, the Government shall be subrogated to all rights of recovery by the Contractor against third parties for such loss or damage and the Contractor must promptly assign such rights in writing to the Government.
- 3052.228-93 Risk and Indemnities (USCG). (*Included in any contract for the lease of an aircraft*) Requires the contractor to provide the Government with evidence of insurance.
- 3052.235.70 Dissemination of Information-Educational Institutions. (*Included in contracts with educational institutions for research that are not sensitive or classified*) Contractors must provide advanced electronic copies of articles to the Government covering the results of research it plans to publish.

The purpose of this collection revision is to add, for purposes of entering into other transaction agreements pursuant to 6 U.S.C. § 391, 6 U.S.C. § 596(1), and 49 U.S.C. § 106(l)(6), Form 700-26, Other Transaction Agreement, and Form 700-23, Other Transaction Agreement Modification. On the forms, respondents submit an Employer Identification Number, as well as the business' name, address and title. Respondents must also identify the authorized business representative's personal name, and must include a signature.

2. Purpose of Use of the Information Collection

The information requested is used by the Government's contracting officers and other acquisition personnel, including technical and legal staff, for various reasons such as (1) determining the suitability of contractor personnel accessing DHS facilities; (2) to ensure no organizational conflicts of interest exist during the performance of contracts; (3) to ensure the contractor maintains applicable licenses and permits for the removal and disposal of hazardous materials; and (4) to otherwise ensure firms are performing in the Government's best interest. Failure to collect this information would adversely affect the quality of products and services DHS receives from contractors.

3. Use of Improved Information Technology and Burden Reduction

Many sources of the requested information use automated word processing systems, databases, spreadsheets, project management and other commercial software to facilitate preparation of material to be submitted. With Government-wide implementation of e-Government initiatives, it is commonplace within many of DHS's Components for submissions to be electronic.

4. Efforts to Identify Duplication and Use of Similar Information

The information collected from the public under this request complements but does not duplicate vendor information available to the Government-wide acquisition community through Integrated Award Environment (IAE) systems including the System for Award Management (SAM). The SAM is the official U.S. Government system that consolidated the capabilities of the Central Contractor Registration (CCR), the Online Representations and Certifications Application (ORCA), the Excluded Parties List System (EPLS) and the Past Performance Information Retrieval System (PPIRS).

DHS Components are encouraged to require only the minimum post-award contract information essential to proper protection of the Government's interests and compliance with regulation, e.g., contractor performance evaluation.

5. Impact on Small Business or Other Small Entities

Information collection may or may not involve small business contractors, depending on the particular transaction. The burden applied to small businesses is the minimum consistent with the objective of ensuring contract compliance and protecting the interest of the Government.

6. Consequences of Collecting the Information Less Frequently

Less frequent incidence of collecting such information as resumes indicating the level of contractor expertise, permits and licenses, and inspection reports will negatively affect the quality of products and services DHS receives from contractors. Potentially, contractors could perform on contracts without sufficient experience and expertise and could perform contracts with outdated licenses and negative inspection reports, placing the Department's operations in jeopardy. Additionally, less frequent collection of information related to organizational conflicts of interest inhibit DHS from determining the existence of true conflicts of interest during the performance of contracts.

Failure to collect this information would adversely affect the quality of products and services DHS receives from contractors. For example, potentially, contractors who are lead system integrators could acquire direct financial interests in major systems the contractors are contracted to procure, which would compromise the integrity of acquisitions for the Department. In addition, contractors who own, control or operate a business providing protective guard services could possess felony convictions during the performance of contracts, putting the Department at risk. Furthermore, contractors could change key personnel during the performance of contracts and use less experienced or less qualified personnel to reduce costs, which would adversely affect DHS's fulfillment of its mission requirements.

7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

Not Applicable. There are no special circumstances that would cause an information collection to be conducted in any manner indicated above.

8. Public comments were solicited through two Federal Register notices: a 60-day notice published on November 20, 2020 (Volume 85, Page 74367) on which no comments were received, and a 30-day notice published on May 26, 2021 (Volume 86, Page 28372) on which no comments have been received.

9. Explanation of Payments and Gifts to Respondents

Not Applicable. There will be no payment or gifts made to respondents.

10. Assurance of Confidentiality Provided to Respondents

Disclosure/non-disclosure of information is handled in accordance with the Freedom of Information Act, other disclosure statutes, and Federal and agency acquisition regulations.

11. Justification for Sensitive Questions

Not Applicable. Questions posed as a means of obtaining contract administration information are of a business rather than a personal or private nature.

12. Estimates of Annualized Burden Hours and Costs

The annualized burden hours and cost to contractors for providing all materials during contract administration is outlined in the below table. The annual estimated burden is 90,812 hours, and the cost is \$4,774,884.44.

Table A: Estimated Annualized Burden Hours and Costs

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Contractor		4,818	3	6.2	89,615	\$52.58	\$4,711,946.20
Contractor	700-26	96	3	6.2	89,615	\$52.58	\$5,047.68
Contractor	700-23	1,101	1	1	1,101	\$52.58	\$57,890.58
Totals:		6,015	15,651		90,812		\$4,774,884.44

- The burden hour estimate for the clauses is based upon Federal Procurement Data System (FPDS) data related to DHS’s award of definitive contracts in fiscal year (FY) 2019; an estimated average of three reports per respondent, and an estimated burden of 6.2 hours for the development of each response/report. The overall estimated 6.2 hour average is based on the estimated time allotted for preparing and responding to the information requests identified in each clause, keeping in mind that the clauses that take the longest to respond to are also the most frequently requested. The hourly estimate per clause is as follows (new clauses are in bold):

1. 3052.204-70 Security requirements for unclassified information technology resources=14 hours
2. 3052.204-71 Contractor employee access=14 hours
3. 3052.205-70 Advertisements, Publicizing Awards, and Releases=4 hours
4. 3052.209-72 Organizational Conflict of Interest=8 hours
5. 3052.209-75 Prohibited Financial Interests for Lead System Integrators=4 hours
6. 3052.209-76 Prohibition on Federal Protective Service Guard Services Contracts with Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony=4 hours
7. 3052.215-70 Key personnel or facilities=14 hours
8. 3052.216-71 Determination of Award Fee=13 hours
9. 3052.217-91 Performance=1 hour
10. 3052.217-92 Inspection and Manner of Doing Work=2 hours
11. 3052.217-95 Liability and Insurance=2 hours
12. 3052.219-70 Small Business subcontracting plan reporting=12 hours
13. 3052.219-71 DHS Mentor-Protégé Program=2 hours
14. 3052.222-70 Strikes or Picketing Affecting Timely Completion of the Contract Work=5 hours
15. 3052.222-71 Strikes or Picketing Affecting Access to a DHS Facility=5 hours
16. 3052.223-70 Removal or disposal of hazardous substances – applicable licenses and permits=1 hour
17. 3052.223-90 Accident and Fire Reporting=2 hours
18. 3052.228-91 Loss of or Damage to Leased Aircraft=8 hours
19. 3052.228-93 Risk and Indemnities=8 hours

20. 3052.235.70 Dissemination of Information-Educational Institutions=1 hour

- The burden hour estimate for the forms is based upon Federal Procurement Data System (FPDS) data related to DHS other transaction agreements and modifications issued in FY 2019. The estimated average of 1 response per respondent and the estimated burden of 1 hour for the development of each response/report are based upon information received from contracting activities.
- The average hourly earnings is based upon the U.S. Department of Labor, Bureau of Labor Statistics' website (www.bls.gov). The wage rate category selected is for [Business and Financial Operations Occupations in 2019](#). The rate is estimated to be \$52.58 (\$37.56 x 1.4), which includes the wage rate multiplier.

13. Estimates of annualized capital and start-up costs.

DHS does not require contractors to purchase software to access any specific system. Information submitted requires the use of basic systems such as Microsoft Office suite. For these reasons, DHS believes there will be no costs associated with annualized capital and start-up costs.

14. Annualized Cost to the Federal Government

The annualized cost to the Federal Government for reviewing all materials submitted by contractors during contract administration is outlined in the below table. These reviews are conducted by acquisition personnel including contracting officers and technical and legal staff. The annual estimated cost is \$3,030,317.55.

Table B: Estimated Annualized Hours and Costs to the Federal Government

Form Name / Form Number	No. of Respondents	Responses per Respondent Annually	Total Annual Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Annual Government Costs
	4,818	3	14,454	4	57,816	\$51.35	\$2,968,851.60
700-26	96	1	96	1	96	\$51.35	\$4,929.60
700-23	1101	1	1101	1	1101	\$51.35	56,536.35
Totals:	6,015		15,651		59,013		\$3,030,317.55

The annual cost estimate is based upon the total estimated annual responses received; an estimated combined total of 4 hours for contracting officers and technical and legal staff to review each response/report, and 1 hour for the forms; and the approximate hourly rate for a GS-11, Step 4, federal employee located in the District of Columbia, as provided by OPM.gov for 2019, \$51.35, which includes the wage rate multiplier (\$36.68 X 1.4).

15. Explanation of Program Changes or Adjustments

The burden estimates provided in response to Item 12 above are based upon definitive contract award data reported by DHS and its Components to the Federal Procurement Data System (FPDS) for FY 2019. No program changes occurred; however, the burden

was adjusted to reflect a decrease in the number of respondents within DHS for FY 2019 in the amount of 6,612, as well as a decrease in the average hourly wage rate.

16. Plans for Tabulation and Publication

There is no planned publication of information for statistical use.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

The OMB control number and expiration date will be displayed on the information collection.

18. Exceptions to the Certification of the Paperwork Reduction Act Submissions

Not applicable. There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods.