

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
OMB CONTROL NO. 9000-0062
CERTAIN FEDERAL ACQUISITION REGULATION PART 36
CONSTRUCTION CONTRACT REQUIREMENTS**

FAR sections affected: 52.236-5, 52.236-13 Alternate I, and 52.236-15.

A. Justification.

1. Administrative requirements.

The Department of Defense, General Services Administration, and National Aeronautics and Space Administration are combining OMB Control Nos. for the Federal Acquisition Regulation (FAR) by FAR part. This consolidation is expected to improve industry's ability to easily and efficiently identify burdens associated with a given FAR part. The review of the information collections by FAR part allows improved oversight to ensure there is no redundant or unaccounted for burden placed on industry. Lastly, combining information collections in a given FAR part is also expected to reduce the administrative burden associated with processing multiple information collections.

This justification supports the revision of OMB Control No. 9000-0062 and combines it with the previously approved information collections under OMB Control Nos. 9000-0058 and 9000-0060 with the new title "Certain Federal Acquisition Regulation Part 36 Construction Contract Requirements." Upon approval of this consolidated information collection, OMB Control Nos. 9000-0058 and 9000-0060 will be discontinued. The burden requirements previously approved under the discontinued numbers will be covered under OMB Control No. 9000-0062.

This clearance covers the information that contractors must submit to comply with the following FAR part 36 requirements:

- **FAR 52.236-5, Material and Workmanship.** This clause requires the contractor to obtain contracting officer approval of the machinery, equipment, material, or articles to be incorporated into the work. The contractor's request must include: the manufacturer's name, the model number, and

other information concerning the performance, capacity, nature, and rating of the machinery and mechanical and other equipment; and full information concerning the material or articles. When directed by the contracting officer, the contractor must submit samples of the items requiring approval for incorporating into the work.

- **FAR 52.236-13, Accident Prevention, Alternate I.** This alternate to the basic clause requires the contractor to submit a written proposed plan to provide and maintain work environments and procedures that will safeguard the public and Government personnel, property, materials, supplies, and equipment exposed to contractor operations and activities; avoid interruptions of Government operations and delays in project completion dates; and control costs in the performance of this contract. The plan must include an analysis of the significant hazards to life, limb, and property inherent in contract work performance and a plan for controlling these hazards.
- **FAR 52.236-15, Schedules for Construction Contracts.** This clause requires the contractor to prepare and submit to the contracting officer for approval three copies of a practicable schedule showing the order in which the contractor proposes to perform the work, and the dates on which the contractor contemplates starting and completing the several salient features of the work (including acquiring materials, plant, and equipment).

2. Uses of information. The information collected is used by the Government as follows:

- **FAR 52.236-5, Material and Workmanship.** The contracting officer uses this information to determine whether the machinery, equipment, material, or articles meet the standards of quality specified in the contract. A contracting officer may reject work, if the contractor installs machinery, equipment, material, or articles in the work without obtaining the contracting officer's approval.
- **FAR 52.236-13, Accident Prevention, Alternate I.** The contracting officer and technical representatives analyze

the Accident Prevention Plan to determine if the proposed plan will satisfy the safety requirements identified in the contract, to include certain provisions of the Occupational Safety and Health Act (per FAR 36.513(c)) and applicable standards issued by the Secretary of Labor at 29 CFR Part 1926 and 29 CFR Part 1910.

- **FAR 52.236-15, Schedules for Construction Contracts.** The contracting officer uses this information to monitor progress under a Federal construction contract when other management approaches for ensuring adequate progress are not used.

3. Consideration of information technology. Federal agencies 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, 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 consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently. Collection of information on a basis other than contract-by-contract is not practical.

7. Special circumstances for collection. Collection is consistent with guidelines in 5 CFR 1320.5(d)(2).

8. Efforts to consult with persons outside the agency.

- A. A 60-day notice was published in the *Federal Register* at 86 FR 30936, on June 10, 2021. No comments were received.
- B. A 30-day notice was published in the *Federal Register* at 86 FR 48424, on August 30, 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 following respondent and response estimates are based on historical award data available in the Federal Procurement Data System (FPDS) for fiscal years 2018 through 2020 for construction contracts (i.e., product service codes (PSCs) beginning with "Y" or "Z2") or dismantling, demolition, or removal contracts (i.e. PSCs, "P400" and "P500"). Estimates of the average amount of time necessary for a contractor to prepare and submit the information are based on consultation with subject matter experts. The hourly rates of pay are from the Office of Personnel Management 2021 General Schedule (GS) Salary Table for the Rest of the United States, effective January 2021 (available at <https://www.opm.gov/>), plus a 36.25 percent fringe factor mandated by Office of Management and Budget memorandum M-08-13 for use in public-private competition (see <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2008/m08-13.pdf>) and rounded to the nearest whole dollar.

- **FAR 52.236-5, Material and Workmanship.** This clause is prescribed at FAR 36.505 for use in contracts for construction. On average each year, the Government awards approximately 4,973 construction contracts to an average of 2,520 unique contractors. The Government estimates an

average of 2 submissions per year per contract. Therefore, it is estimated that there will be approximately 4 responses per contractor (4,973 contracts * 2 submissions per contract / 2,520 contractors rounded to the nearest whole number). It is further estimated that, on average, it takes approximately 15 minutes for a contractor to prepare and submit the request.

Estimated respondents/year.....	2,520
Responses/respondent annually.....	x 4
Total annual responses.....	10,080
Estimated hours/response.....	x .25
Estimated total burden hours.....	2,520
Hourly rate*.....	x \$48
Estimated cost to public.....	\$120,960

* Based on a GS-11/step 5 salary for the rest of the United States (\$35.11/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

- **FAR 52.236-13, Accident Prevention, Alternate I.** This Alternate is prescribed at FAR 36.513 for use in fixed-price construction contracts or fixed-price dismantling, demolition, or removal of improvements contracts that exceed the simplified acquisition threshold (SAT), if the contract will involve work of a long duration or hazardous nature or the services are to be performed at Government facilities and technical representatives advise that special precautions are appropriate. It is expected that higher dollar value contracts (i.e. greater than \$5 million) would be more likely to require an accident prevention plan. On average each year, the Government awards approximately 537 fixed-price construction or dismantling, demolition, or removal of improvements contracts valued at greater than \$5 million to an average of 405 unique vendors. It is estimated that 50 percent of these unique vendors (202 contractors) submit an accident prevention plan on at least one contract per year. Subject matter experts estimate that, on average, it takes approximately 22 hours for a contractor to prepare and submit the accident prevention plan.

Estimated respondents/year.....	202
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Responses/respondent annually.....	X	<u>1</u>
Total annual responses.....		202
Estimated hours/response.....	X	<u>22</u>
Estimated total burden hours.....		4,444
Hourly rate*.....	X	<u>\$48</u>
Estimated cost to public.....		\$213,312

* Based on a GS-11/step 5 salary for the rest of the United States (\$35.11/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

- **FAR 52.236-15, Schedules for Construction Contracts.** This clause is prescribed at FAR 36.515 for use in fixed-price construction contracts that exceed the SAT and have a period of performance that exceeds 60 days, unless the contract contains clauses covering other management approaches for ensuring that a contractor makes adequate progress. On average each year, the Government awards approximately 2,914 fixed-price construction contracts that exceeded the SAT to an average of 1,690 unique contractors. These statistics serve as the basis for this estimate; however, since some of these contracts may have a period of performance that is less than 60 days, it is possible that fewer contracts and contractors are subject to the requirements of this clause. Therefore, it is estimated that there will be approximately 3 responses per contractor per year (2,914 contracts * 2 submissions per contract / 1,690 contractors rounded to the nearest whole number). It is further estimated that, on average, it takes approximately 4 hours for a contractor to prepare and submit the schedule information.

Estimated respondents/year.....		1,690
Responses/respondent annually.....	X	<u>3</u>
Total annual responses.....		5,070
Estimated hours/response.....	X	<u>1</u>
Estimated total burden hours.....		5,070
Hourly rate*.....	X	<u>\$57</u>
Estimated cost to public.....		\$288,990

* Based on a GS-12/step 5 salary for the rest of the United States (\$42.08/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

- **OMB Control No. 9000-0062, Total Public Burden.** The following is a summary of the total estimated public burden associated with these FAR part 36 contract clauses:

<u>Requirement</u>	<u>Responses</u>	<u>Hours</u>	<u>Cost</u>
FAR 52.236-5	10,080	2,520	\$120,960
FAR 52.236-13	202	4,444	\$213,312
FAR 52.236-15	5,070	5,070	\$288,990
TOTAL	15,352	12,034	\$623,262

14. Estimated cost to the Government.

- **FAR 52.236-5, Material and Workmanship.** It is estimated that it takes the Government, on average, 30 minutes to review the information provided by the contractor.

Total annual responses.....	10,080
Review time/response (hours).....	x <u>.5</u>
Review time/year (hours).....	5,040
Hourly rate*.....	x <u>\$48</u>
Estimated cost to the Government.....	\$241,920

* Based on a GS-11/step 5 salary for the rest of the United States (\$35.11/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

- **FAR 52.236-13, Accident Prevention, Alternate I.** It is estimated that it takes the Government, on average, one hour to review the accident prevention plan provided by the contractor.

Total annual responses.....	202
Review time/response (hours).....	x <u>1</u>
Review time/year (hours).....	202
Hourly rate*.....	x <u>\$48</u>
Estimated cost to the Government.....	\$9,696

* Based on a GS-11/step 5 salary for the rest of the United States (\$35.11/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

- **FAR 52.236-15, Schedules for Construction Contracts.** It is estimated that it takes the Government, on average, 30

minutes to review the information provided by the contractor.

Total annual responses.....	5,070
Review time/response (hours).....	X <u>.5</u>
Review time/year (hours).....	2,535
Hourly rate*.....	X <u>\$57</u>
Estimated cost to the Government.....	\$144,495

* Based on a GS-12/step 5 salary for the rest of the United States (\$42.08/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

- **OMB Control No. 9000-0062, Total Government Burden.** The following is a summary of the total estimated Government burden associated with these FAR part 36 contract clauses:

<u>Requirement</u>	<u>Responses</u>	<u>Hours</u>	<u>Cost</u>
FAR 52.236-5	10,080	5,040	\$241,920
FAR 52.236-13	202	202	\$9,696
FAR 52.236-15	5,070	2,535	\$144,495
<u>TOTAL</u>	<u>15,352</u>	<u>7,777</u>	<u>\$396,111</u>

15. Explain reasons for program changes or adjustments reported in Item 13 or 14. Adjustments are made to the public and Government burden estimates based on the following:

- This supporting statement now covers two additional FAR part 36 contract clauses, based on the consolidation of OMB control Nos. 9000-0058 and 9000-0060 under OMB control number 9000-0062.
- The estimated number of respondents and responses per year is based on FPDS data for the three most recent fiscal years. The parameters for data pulled from FPDS for each clause is consistent with the prescription for each clause contained in FAR part 36 and based on product services codes, contract type, and dollar value.
- The same FPDS criteria used for the prior estimate for FAR clause 52.236-15 under OMB Control No. 9000-0058. Based on comparison with the current data, there is an error in the prior estimate that caused the number of respondents and

total responses to be underreported. The current estimate for this clause more accurately reflects the number of impacted contracts. In addition, taking into consideration advancements in technology and the fact that most contractors now manage and report schedules using software, the number of hours per response is reduced from four hours to one hour.

- The estimated cost per hour is based on use of the current (calendar year 2021) OPM GS wage rates for the rest of the United States.

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.