

**SUPPORTING STATEMENT
HOMELAND SECURITY ACQUISITION REGULATION (HSAR)
SOLICITATION OF PROPOSAL INFORMATION FOR AWARD OF PUBLIC
CONTRACTS
(OMB No. 1600-0005)**

A. JUSTIFICATION.

1. Circumstances Making the Collection of Information Necessary

The Department of Homeland Security (DHS) collects information, when necessary, when inviting firms to submit bids, proposals, and offers for public contracts for supplies and service. Using solicitation methods such as Requests for Proposals (RFP), Requests for Information (RFI), and Broad Agency Announcements (BAA), the Government requests information from prospective offerors such as pricing information, delivery schedule compliance, and evidence that the offeror has the resources (both human and financial) to accomplish requirements. The information collection is necessary for compliance with

(1) the Homeland Security Acquisition Regulation (HSAR), 48 CFR Chapter 30; (2) the Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) programs, 15 U.S.C 628; and (3) for purposes of entering into other transactions agreements, 6 U.S.C. § 391, 6 U.S.C. § 596(1), and 49 U.S.C. § 106(l) (6).

The collections under the HSAR include:

- 3052.209-70 Prohibition on Contracts with Corporate Expatriates (*Required in all solicitations and contracts*) The offeror must disclose whether it is a foreign incorporated entity that should be treated as an inverted domestic corporation.
- 3052.209-71 Reserve Officer Training Corps and Military Recruiting on Campus (*Required in all solicitations and contracts with institutions of higher education*) Requires that the Contractor represent that it does not now have, and agrees that during performance of the contract that it will not adopt, any policy or practice described in paragraph (b) of the clause.
- 3052.209-72 Organizational Conflict of Interest, paragraphs (c), (d) and (e), (*Required in all solicitations and contracts where a potential organizational conflict of interest exists and mitigation may be possible*) The offeror must disclose whether it is aware of any facts which create any actual or potential organizational conflicts of interest; and, provide information as required by the Government and a mitigation plan relating to the conflict, if applicable.
- 3052.209-74 Limitations on Contractors Acting as Lead System Integrators (*Required in solicitations for the acquisition of a major system when the acquisition strategy envisions the use of a lead system integrator*) The offeror

must disclose whether it proposes to perform this contract as a lead system integrator with system responsibility, and whether it has a direct financial interest in the system that is the subject of the solicitation; and, provide evidence, as needed.

- 3052.209-76 Prohibition on Federal Protective Service (FPS) Guard Services Contracts with Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a *Felony, paragraphs (a) through (g), (Required in all solicitations and contracts for FPS guard services)* The offeror must disclose whether it is owned, operated or controlled by an individual convicted of any felony. A business concern owned, operated or controlled by an individual convicted of any felony may submit an award request to the Government. The request must include information that is considered personally identifiable information, and any additional information the Government deems necessary.
- 3052.215-70 Key Personnel and 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*) Before removing or replacing any of the specified individuals or facilities, the offeror must notify the Government, in writing, before the change becomes effective.
- 3052.219-72 Evaluation of Prime Contractor Participation in the DHS Mentor-Protégé Program (*Required in all solicitations containing (HSAR) 48 CFR 3052.219-71, DHS Mentor-Protégé Program and (FAR) 48 CFR 52.219-9 Small Business Subcontracting Plan*) The offeror must provide a signed letter of mentor-protégé agreement, if it wishes to receive credit under the source selection factor.
- 3052.247-70 F.o.b. Origin Information (*Required in solicitations as appropriate*) The offeror must provide information related to the offeror's shipping point.

The DHS Science and Technology (S&T) Directorate issues BAAs soliciting when white papers and proposals from the public. DHS S&T evaluates white papers and proposals received in response to a DHS S&T BAA using the evaluation criteria specified in the BAA through a peer or scientific review process in accordance with FAR 35.016(d). Unclassified white papers and proposals are typically collected via the DHS S&T BAA secure website, while classified white papers and proposals must be submitted via proper classified courier or proper classified mailing procedures as described in the National Industrial Security Program Operating Manual (NSPOM).

Federal agencies with an annual extramural research and development (R&D) budget exceeding \$100 million are required to participate in the SBIR Program. Similarly, Federal agencies with an extramural R&D budget exceeding \$1 billion are required to

participate in the STTR Program. Federal agencies who participate in the SBIR and STTR programs must collect information from the public to meet:

- (1) Applicable reporting requirements under 15 U.S.C. 638 (b)(7), (g)(8), (i), (j)(1)(E), (j)(3)(C), (l), (o)(10), and (v);
- (2) The requirement to maintain both a publicly accessible database of SBIR/STTR award information and a government database of SBIR/STTR award information for SBIR and STTR program evaluation under 15 U.S.C. 638 g(10, (k), (o) (9), and (o)(15); and
- (3) Requirements for public outreach under 15 U.S.C. 638 (j)(2)(F), (o)(14), and (s).

The collections under other transactions agreements issued pursuant to 6 U.S.C. § 391, 6 U.S.C. § 596(1), and 49 U.S.C. § 106(l)(6), require the use of a solicitation form that requires the contractors to provide its Employer Identification Number, business' name, address, title, and personal name. Signatures are also collected on the forms.

The prior information collection request for OMB No. 1600-0005 was approved through November 30, 2021 by OMB in a Notice of OMB Action.

2. Purpose of Use of the Information Collection

The information being collected is used by the Government's contracting officers and other acquisition personnel, including technical and legal staff to determine the adequacy of technical and management approach, experience, responsibility, responsiveness, and expertise of the firms submitting offers; the identification of members of the public (i.e., small businesses) who qualify for and are interested in participating in the DHS SBIR Program; and, provide the DHS SBIR Program Office necessary and sufficient information to determine whether proposals submitted by the public to the DHS SBIR Program meet the criteria for consideration under the program.

Failure to collect this information would adversely affect the quality of products and services DHS receives from contractors. Potentially, contracts would be awarded to firms without sufficient experience and expertise, thereby placing the Department's operations in jeopardy. Defective and inadequate contractor deliverables would adversely affect DHS's fulfillment of the mission requirements in all areas. Additionally, the Department would be unsuccessful in identifying small businesses with research and development (R&D) capabilities, which would adversely affect the mission requirements in this area.

3. Use of Improved Information Technology and Burden Reduction

Many sources of the requested information use automated word processing systems, databases, and web portals to facilitate preparation of material to be submitted and to

post and collect information. It is common place within many of DHS's Components for submissions to be electronic as a result of implementation of e-Government initiatives.

Information technology (i.e., electronic web portal) is used in the collection of information to reduce the data gathering and records management burden. DHS uses a secure website the public can use to propose SBIR research topics and submit proposals in response to SBIR solicitations. In addition, DHS uses a web portal to review RFIs and register to submit a white paper or proposal in response to a specific BAA. The data collection forms standardize the collection of information that is necessary and sufficient for the DHS SBIR Program Office to meet its requirements under 15 U.S.C. 638.

4. Efforts to Identify Duplication and Use of Similar Information

The information collected from the public under these requests complements but does not duplicate vendor information available to the Government wide acquisition community. In addition, through Strategic Sourcing initiatives, DHS Components are encouraged to consolidate their own respective similar transactions for internal administrative economies. The subject information collection is intended to cover information specific to individual DHS contracting requirements (e.g., offerors'/bidders' technical and pricing information, delivery information, not available under existing systems).

5. Impact on Small Business or Other Small Entities

This information collection required by the HSAR and the SBIR and STTR programs may or may not involve small business contractors, depending on the particular transaction. The burden applied to small businesses has been reduced to the least burdensome commensurate with the DHS need for the information. In certain cases, information collection is done via a secure website which is intended to minimize burden for businesses (including small businesses) and other for-profit entities, and not-for-profit institutions. Small businesses and other small entities will be able to enter identifying information and subsequently update rather than resubmit the information via the Internet.

6. Consequences of Collecting the Information Less Frequently

Less frequent incidence of collecting such information as offerors' technical approach, management approach, experience statements, and resumes indicating level of expertise would negatively affect the quality of products and services DHS received from contractors. Potentially, contracts would be awarded to firms without sufficient experience and expertise, thereby placing the Department's operations in jeopardy.

Additionally, DHS collects information that is both necessary and sufficient to comply with 15 U.S.C. 638 and receive white papers and proposals from the public in response to BAAs. Failure to allow the public to submit information would diminish the ability of the DHS SBIR Program Office to meet its obligation for outreach as

required by 15 U.S.C. 638, evaluate white papers and proposals in accordance with the criteria in the BAA and provide the respondents with the results of the evaluation.

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

There are no special circumstances that would cause this information collection to be conducted in a manner outside the procedures in the FAR and Public Laws codified in 15 U.S.C. 638.

8. Efforts to Consult Outside the Agency

On November 20, 2020, at 85 FR 76595, DHS/OCPO published a 60-Day Notice in the Federal Register allowing for public comment. In addition, on May 19, 2021, at 86 FR 27095, DHS/OCPO published a 30-Day Notice. No comments were received.

9. Explanation of Payments and Gifts to Respondents

There will be no payments or gifts made to respondents for this information collection.

10. Assurance of Confidentiality Provided to Respondents

DHS/ALL/PIA-006 General Contact Lists dated June 15, 2007 covers the basic contact information that must be collected for DHS. Other information collected will typically pertain to the contract itself, and not individuals. All information for this information collection is submitted voluntarily. However, sensitive information (e.g., felony conviction information) may also be collected through this information collection. Due to this sensitivity, and the sensitivities regarding the procurement process as a whole, a new PIA is required to document and identify any potential risks associated with collecting this information.

There is no assurance of confidentiality provided to the respondents.

11. Justification for Sensitive Questions

Not Applicable. Questions posed as a means of obtaining information on offerors' pricing, delivery, technical approach, management approach, experience statements and other information in proposals, quotes, white papers, etc., 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 solicitation is outlined in the below table. The annual estimated burden is 1,358,512 hours, and the labor cost is \$62,619,499.

Table A: Estimated Annualized Burden Hours and Costs

| Type of Respondent | 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 |
|--------------------|-------------|--------------------|---------------------------------|-------------------------------------|--------------------------------|-----------------------|------------------------------|
| Private Industry | N/A | 130,418 | 5.78 | 1.8 | 1,230,726 | \$52.58 | \$62,619,499 |
| Total | | | | | | | \$62,619,499 |

- The burden hour estimate is based upon Federal Procurement Data System (FPDS) data related to DHS proposals received in FY 2019-2021; an estimated average of 5.78 reports per respondent, and an estimated burden of 1.8 hours for the development of each response/report.
- 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 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 respondents during solicitation is outlined in the below table. These reviews are conducted by acquisition personnel including contracting officers and technical and legal staff. The annual estimated labor cost is \$155,021,336.60.

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

| Type of Respondent | 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 |
|--------------------|--------------------|---------------------------------|-------------------------------------|--------------------------------|-----------------------|------------------------------|
| Vendor | 130,418 | 5.787 | 4 | 3,018,916 | \$51.35 | \$155,021,336.60 |
| Total | | | | | | \$155,021,336.60 |

The annual cost estimate is based upon the total estimated annual responses received; an estimated combined total of hours for contracting officers and technical and legal staff to review each response/report; 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 ($\$36.68 \times 1.4$).

15. Explanation of Program Changes or Adjustments

No program changes occurred and there have been no changes to the information being collected. However, the burden was adjusted to reflect an agency adjustment increase of 116,806 respondents as well as an increase in the average number of responses.

16. Plans for Tabulation and Publication

DHS does not intend to employ the use of statistics, or publication thereof for this information collection.

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

There are no DHS instruments associated with this collection to display the OMB expiration date.

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

There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods.