
Supporting Statement for Industrial Relations OMB Control Number 1900-0600

Part A: Justification

OMB No. 1910-0600

Collection Instruments

Compensation and Benefits Report (CABR)

Cost Study

Pension Plan Actuarial Valuation Report

Benefit Value Study

Contractor Salary Wage and Increase Expenditure Report

Compensation Increase Plan

Pension Management Plans

Post-Retirement Benefits Management Plans

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U.S. Department of Energy
Washington, DC 20585

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Introduction

Provide a brief introduction of the Information Collection Request. Include the purpose of this collection, note the publication of the 60-Day Federal Register Notice, and provide the list of forms within this collection.

This package requests renewal of the information collection from the DOE Facilities Management Contractors for contract administration, management oversight, and cost control. This information is used to ensure that Department contractors recruit and retain a workforce in accordance with the terms of their contract and in compliance with statutory and regulatory requirements as identified by contract.

The 60-Day Federal Register Notice was published in the *Federal Register* on Friday, March 26, 2021 (Volume 86, Number 57), Page 16199.

List of Forms within this collection:

- Compensation and Benefits Report
- Cost Study
- Pension Plan Actuarial Valuation Report
- Benefit Value Study
- Contractor Salary Wage and Increase Expenditure Report
- Compensation Increase Plan
- Pension Management Plans
- Post-Retirement Benefits Management Plans

A.1. Legal Justification

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.

The basic authority for collection of this data is the statute establishing the Department of Energy ("Department of Energy Organization Act," Public Law 95-91, of August 4, 1977). It vests the Secretary of Energy with the executive direction and management function, authority, and responsibilities for the Department, including contract management. The provisions of 42 U.S.C § 7254 state "The Secretary is authorized to prescribe such procedural and administrative rules and regulations as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him"; and 42 U.S.C § 7256 (a) "The Secretary is authorized to enter into and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and to make such payments (in lump sum or installments, and by way of advance or reimbursement) as he may deem to be necessary or appropriate to carry out functions now or here after vested in the Secretary."

Special H clauses on pay and benefits are inserted into Department Management and Operations (M&O) and other facility management contracts. These clauses state the reports and information that the contractor agrees to provide upon award of the contract.

Please note: Department contractors are paid for providing this information because it is an allowable contract cost under Department of Energy Acquisition Regulations (DEAR) 970.5204-3, 970.5227-1, and 970.5232-3. In this sense, the collection of this information is different from requests for information imposed on the general public for which payment is not made.

A.2. Needs and Uses of Data

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection

This information is used by Heads of Contracting Activities, Contracting Officers, and Contracting Officers' Representatives and program managers for contract administration, management oversight, and cost control of Department Facilities Management Contracts.

- **CABR:** This report is used to help the DOE with evaluate the reasonableness of contractor employee compensation, welfare benefits, and retirement programs.
- **Cost Study:** The DOE Cost Study compares the cost of a contractor's employee benefits to the industry average from a broad-based national benefit cost survey.
Pension Plan Actuarial Valuation Report: IRS requirement that any plan administrator of any single-employer defined benefit plan (including a multiple-employer defined benefit plan) that is subject to the minimum funding standards must obtain a completed SB (Pension Plan Actuarial Valuation Report) that is prepared and signed by the plan's enrolled actuary.
- **Benefit Value Study:** A Value Study is defined as an actuarial study which is intended to measure the relative worth of competing programs to employees regardless of the actual cost of such programs to the employer.
- **Contractor Salary Wage Increase and Expenditure Report:** An Annual Contractor Salary-Wage Increase Expenditure Report to include, at a minimum, breakouts for merit, promotion, variable pay, special adjustments, and structure movements for each pay structure showing actual against approved amounts; and planned distribution of funds for the following year.
- **Compensation Increase Plan:** A plan required for contractors who are seeking a salary fund increase that exceeds the annual salary increase fund established annually by the Department.
- **Pension Management Plan:** A discussion of the Contractor's plans for management and administration of each defined benefit (DB) pension plan for which the Department has a continuing obligation to reimburse pension contributions consistent with the terms of the applicable Contract
- **Post-Retirement Benefits:** Contractors shall submit a plan for management and administration (PRB Management Plan) for each of their postretirement benefits plan (PRB Plan) for which the Department has a continuing obligation to reimburse PRB benefit payments that is consistent with the terms of the Contract.

A.3. Use of Technology

Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Department program managers and contractors continually work to apply the latest information technology (hardware and software) methods to reduce the information collection burden and improve the timeliness and usefulness of the management information collected. Technology is currently used to collect data from all collection instruments. All information collected/requested from DOE is information that is typically maintained in all business environments including information to be submitted to the IRS, information used for pension documentation, number of employees and hours maintained, percentage of salary increase for employee categories, and cost of payroll and performance. With the requested information already being housed with the contractor it is with almost no burden that the contractor's existing data is uploaded to within DOE templates and submitted electronically.

A.4. Efforts to Identify Duplication

Describe efforts to identify duplication.

The collections contained in this package primarily apply to contract management or requests for collections in response to inter-agency requests. The data collected is not available from any other source and is not duplicated elsewhere, to our knowledge. Use of Pension Plan Actuarial Valuations and IRS form 5500 are examples of use of information already collected for Department needs.

A.5. Provisions for Reducing Burden on Small Businesses

If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

There are a few small businesses that have reimbursable prime contracts with DOE and are subject to the same collection requirements. As previously mentioned, these costs are reimbursable as well. There has not been a report of any burden due to the contractor's inability or strain to execute a request due to their size. However, in the event this issue is encountered, contracting officers are encouraged to work with contractors to help minimize said burden.

A.6. Consequences of Less-Frequent Reporting

Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If these collections were not made, effective oversight and management of Department Facilities Management Contracts and Department mission accomplishment would not be possible.

The frequency of collection is dictated by sound management practice, external laws, regulations, Department orders, and contracts. If any of these conditions change and information collections can be reduced, reductions will be made and the contract documents are adjusted accordingly.

A.7. Compliance with 5 CFR 1320.5

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines:

- (a) requiring respondents to report information to the agency more often than quarterly;**
- (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- (c) requiring respondents to submit more than an original and two copies of any document;**
- (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years;**
- (e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- (g) that includes a pledge of confidentiality that is not supported by authority established in statute of regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Information collections in this package have been reviewed and justified by Department management, contract administration requirements, statutes, regulations, inter-agency reporting requirements, Departmental orders, or other internal Department requirements. To the best of our knowledge, collections are consistent with OMB guidelines.

A.8. Summary of Consultations Outside of the Agency

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.

There was no consultation with persons outside of DOE concerning data collection.

The intention to extend this information collection package for a period of three years was published in a 60-Day Notice on the *Federal Register* on Friday, March 26, 2021 (Volume 86, Number 57), Page 16199.

A 30-Day Notice was published in the *Federal Register* on Friday, August 13, 2021 (Volume 86, Number 154), Page 44703 – 44704.

No comments were received for neither 60 Day nor 30 Day notices.

A.9. Payments or Gifts to Respondents

Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts other than those related to contracts are made.

A.10. Provisions for Protection of Information

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

This information collection entails contractor workforce counts, aggregate dollar compensation, and benefits information. Collection of individual or confidential information is rarely involved. When the collection of confidential information is involved, the provisions for handling the information are set forth in the contract documents and related Departmental regulations.

A.11. Justification for Sensitive Questions

Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why DOE considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The information collected does not generate sensitive questions as described above.

A.12A. Estimate of Respondent Burden Hours

Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

Burdens hours were estimated by considering the detail of information requested and the amount of time it would take to compile requested data. The detail of templates provided to the contractor is also taken into consideration in determining the number of burden hours, i.e., the Cost Study template is filled in with all of the contractor's information from the Cost and Benefits Report (CABR) and the contractor just has to confirm the information is accurate.

Table A1. Estimated Respondent Hour Burden

Form Number/Title (and/or other Collection Instrument name)	Type of Respondents	Number of Respondents	Annual Number of Responses	Burden Hours Per Response	Annual Burden Hours	Annual Reporting Frequency
Compensation and Benefits Report (CABR)	Contractor	39	39	8	312	1
Cost Study	Contractor	35	35	.5	17.5	1
Pension Plan Actuarial Valuation Report	Contractor	32	32	40	1280	1
Benefit Value Study	Contractor	35	35	8	280	1
Contractor Salary Wage and Increase Expenditure Report	Contractor	39	39	.25	9.75	1
Compensation Increase Plan	Contractor	0	0	0	0	1
Pension Management Plans	Contractor	31	31	10	310	1
Post-Retirement Benefits Management Plans	Contractor	32	32	8	256	1
TOTAL		243	243		2465.25	

A.12B. Estimate of Annual Cost to Respondent for Burden Hours

Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government’.

This information collection is an allowable contract cost. Contractor collection costs are all charged to the Department. Therefore, there is no cost to the contractors for the collection of this data.

A.13. Other Estimated Annual Cost to Respondents

Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

There is no estimated total for annual cost burden to respondents or recordkeepers resulting from the collection instruments under 1900-0600. Contractor collection costs are all charged to the Department.

A.14. Annual Cost to the Federal Government

Provide estimates of annualized cost to the Federal government.

The annualized cost to the Federal government is estimated to be \$709,546. This includes an estimated \$85/hour rate of pay (estimated using GSA’s CALC tool) times Burden Hours of 2465.25 plus \$25,000 per Benefit Value Study at the group-buy (discount) rate and an average of 20 studies per year.

A.15. Reasons for Changes in Burden

Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.

The number of responses decreased by 73 (from 316 to 243) and the burden hours decreased by 1627.75 (from 4093 to 2465.25). The decrease in the number of respondents is due to an increase in number of combined contracts as well as the requirements of participation for certain Contractor types such as Contractors whose parent organization are educational institutions. The estimated decrease in burden hours is attributed to the Department's efforts to increase efficiency and decrease burdensome requirements with a number of streamlined efforts that include eliminating duplicative requirements, and pairing down the information requested within the instruments.

Table A4. ICR Summary of Burden

	Requested	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Previously Approved
Total Number of Responses	243	N/A	-73	316
Total Time Burden (Hr)	2465.25	N/A	-1627.75	4093
Total Cost Burden	0	0	0	0

A.16. Collection, Tabulation, and Publication Plans

For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans to publish this information.

A.17. OMB Number and Expiration Date

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The Department requests continued OMB approval to not display the expiration date to avoid delay of reception of time sensitive information.

The Department is frequently called upon to review, and if warranted, approve contractor proposals for workforce restructuring and modification of benefit programs such as plan amendments to avoid being disqualified due to discrimination in favor of highly-compensated-employees. This is usually time sensitive as the discrimination only becomes apparent during or at the end of the plan year. Corrective action must be taken quickly to reduce costs and avoid or minimize penalties; or in the case of Workforce restructuring plans which must be developed and presented to employees with adequate time for employees to make significant job-retirement decisions. In order to realize savings in the current year, the plan must be approved and promulgated some period before the end of the plan year.

A.18. Certification Statement

Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

No exceptions have been taken.