

**Supporting Justification Statement for OMB Control Number 0990-0434  
HHSAR 311.7102 and HHSAR 311.7202(b)**

**1. Circumstances Making the Collection of Information Necessary**

The Department of Health and Human Services (HHS), Office of the Assistant Secretary for Financial Resources, Office of Acquisitions, is requesting the Office of Management and Budget (OMB) grant an extension on a previously approved information collection request, OMB control number 0990-0434, Meetings, Conferences, and Seminars-Public Accommodations and Commercial Facilities- Funding and Sponsorship.

Performance of HHS mission requires the support of contractors. In some circumstances, depending on the requirements of the specific contract, the contractor is tasked to conduct meetings, conferences, and seminars. The HHS Acquisition Regulation (HHSAR) at 311.7102, Contract clause, and the HHSAR clause at 352.211-1 (Public Accommodations and Commercial Facilities) require contractors to provide a plan describing the contractor's ability to meet the accessibility standards in 28 CFR part 36 (Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities).

The HHSAR at 311.7202(b), Contract clause, and the HHSAR clause at 352.211-2 (Conference Sponsorship Request and Conference Materials Disclaimer) require contractors to provide funding disclosure and a content disclaimer statement on conference materials. As a result of these clauses, HHS contractors providing conference, meeting, or seminars services are required to provide specific information to HHS as stated in the HHSAR.

The Agency is requesting a 3-year extension to collect this information from public or private businesses.

**2. Purpose and Use of Information Collection**

The information collected is used to determine that the contractor can meet the requirements for accessibility standards for Meetings, Conferences, and Seminars in 28 CFR part 36. Each event or series of events would be contract specific.

**3. Use of Improved Information Technology and Burden Reduction**

All data submitted by contractors (100 percent) is requested to be submitted electronically. We use improved information technology to the maximum extent practicable. Where contractors are capable of electronic interchange, the contractors may submit this information collection requirement electronically. Nothing in the HHSAR precludes the use of electronic interchange where the requirement is for written documents. Only the minimum information necessary for the purposes of the meetings, conferences, and seminars are being collected (such as, if a series of similar meetings are being supported, only a single plan is required to support the entire series).

#### **4. Efforts to Identify Duplication and Use of Similar Information**

The purpose of a contract requirement to provide additional data would only occur once a determination has been made that the data does not otherwise exist. Because each collection will be contract-specific, there should be no duplication of any such request.

#### **5. Impact on Small Businesses or Other Small Entities**

The requirements of the Americans with Disabilities Act of 1990 apply regardless of the size of the contractor. The data being requested is being provided by the contractor pursuant to the contract requirements. Any burden would be the same for any size entity and is necessary for performance of the specific contract. The contract price would reflect the contract requirements. Thus, there is no additional burden or excessive burden placed on small businesses.

#### **6. Consequences of Collecting the Information; Less Frequent Collection**

Collection efforts by contractors are in response to specific contract requirements that are drafted to address specific missions of HHS. In most cases, each contract would have a single collection for purposes of gathering the data necessary for contract performance. Even when the contractor must conduct a series of events under the contract, the requirement on the contractor to provide a plan would be a single data collection at the outset of the contract.

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

- There are no special circumstances related to collection of this information.
- There are no requirements to report information to the agency more often than quarterly.
- Generally, contractors will be required to provide the requisite information after award and no more than 30 days after award. In certain specific situations within HHS emerging requirements could dictate a quicker turn-around to allow the event to progress. In those cases, the data might be required to be submitted with proposals or shortly after contract award. These situations would be the exception to the general practice and would be justified within the contract file documentation.
- Contractors will not be required to submit more than an original and two copies of any document. In virtually all cases, an electronic submission is sufficient.
- Contract laws and regulations specify record retention requirements for contracts.
- It is not expected that any contractor would be required to use a statistical data classification that has not been reviewed and approved by OMB. The information collected does not include statistical data.

- The protection of contractor proprietary, trade secret, or other confidential information and the Government’s right to use that data are covered by contract-specific clauses.
- The request fully complies with the regulation.

**8. Comments in Response to the Federal Register Notice/Outside Consultation**

A 60-day Federal Register Notice was published in the *Federal Register* on August 16, 2021, vol. 86, No. 155; pp: 45740-45742 (see attachment 0990-0434-resources.docx). No public comments related to data collection were received.

**9. Explanation of any Payment/Gift to Respondents**

There will be no payments or gifts offered to the respondents for this collection of information. This collection of information will be part of the requirements of a federal contract.

**10. Assurance of Confidentiality Provided to Respondents**

Data will be kept private to the extent allowed by law. This information collection does not include personally identifiable information. Information provided to HHS by a contractor is subject to being requested by third parties under the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552), but business proprietary information is generally exempt from public disclosure under the FOIA. Accessibility plans are about contractor entities and do not constitute Privacy Act records. The information in this supporting statement has been reviewed by HHS privacy personnel.

**11. Justification for Sensitive Questions**

No sensitive questions are asked of contractors under this data collection.

**12. Estimates of Annualized Hour and Cost Burden**

**12.A. Estimated Annualized Burden Hours**

Type of Respondent	No. of Respondents	No. Responses per Respondent	Average Burden per Response (in hours)	Total Burden Hours
Business (contractor)	1,067	1	1	1,067
Total	1,067	1	1	1,067

## **12. B. Estimated Annualized Costs to Respondents**

<b>Type of Respondent</b>	<b>Total Burden Hours</b>	<b>Hourly Wages</b>	<b>Total Cost to the Respondents</b>
Business (contractor)	1,067	\$61.00	\$65,087

## **13. Estimates of Other Total Annual Cost Burden to Respondents or Recordkeepers/Capital Costs**

There are no capital costs associated with this collection.

## **14. Annualized Cost to Federal Government**

There are no equipment or overhead costs. Government FTEs and contractors, however, are being used to support the data collection. The cost to the federal government would be the cost of the salaries of the HHS staff that collects and disseminates the data and the cost of the contractor staff that supports the analysis and submission of the data.

The total estimated annualized cost to the federal government is \$7,761.00. Table A-14 describes how this cost estimate was calculated and the roles.

**Table A-14:** Estimated Annualized Cost to the Federal Government

<b>Organization</b>	<b>Role</b>	<b>Rate</b>	<b>Hours</b>	<b>Cost</b>
OS/ASFR/OA	Federal SME	\$82.65	40	\$3,306.00
Contractor	Contractor Analyst	\$104.00	30	\$3,120.00
Contractor	Contractor Staff Support	\$89.00	15	\$1,335.00
Total			85	\$7,761.00

## **15. Explanation for Program Changes or Adjustments**

This is an extension of the current collection effort. There was a reduction in OMB inventory burden hours from 1604 to 1067 due to an adjustment in the agency estimate as there was a reduced need for conferences due to COVID-19.

**16. Plans for Tabulation and Publication and Project Time Schedule**

Approval is requested by February 16, 2022 to allow for continued use of the HHSAR clauses.

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

There is no request to not display the OMB Expiration Date.

**18. Exceptions to Certification for Paperwork Reduction Act Submissions**

There are no exceptions to the certification.

**SECTION B STATISTICAL METHODOLOGY**

This does not require any statistical or other analysis.