

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
OMB CONTROL NO. 9000-0035
Claims and Appeals**

FAR section affected: 52.233-1

A. Justification.

1. Administrative requirements.

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 52.233-1, Disputes. This clause requires contractors to submit a claim in writing to the contracting officer for a written decision. For any claim exceeding \$100,000, contractors must provide a certification that (1) the claim is made in good faith; (2) supporting data are accurate and complete; and (3) the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. Contractors may appeal the contracting officer's decision by submitting written appeals to the appropriate officials.

If the contractor refuses the Government's offer to use alternative dispute resolution (ADR), the contractor must inform the contracting officer, in writing, of the contractor's specific reasons for rejecting the offer.

2. Uses of information. The contracting officer will use the information to decide the disposition of the claim.

3. Consideration of information technology. Federal agencies use 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 consequence 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. The certification for claims exceeding \$100,000 is required to comply with 41 U.S.C. chapter 71, Contract Disputes.

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 62818, on November 12, 2021. No comments were received.

B. A 30-day notice was published in the *Federal Register* at 87 FR 2612, on January 18, 2022.

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.

There is no centralized database in the Federal Government that maintains information regarding the number of contract claims submitted to contracting officers. After reviewing the annual reports for fiscal years 2018-2020 for the United States Civilian Board of Contract Appeals (CBCA) and the Armed Services Board of Contract Appeals (ASBCA) and querying several agency

subject matter experts, it is determined that there is no indication of a substantial change to the number of respondents or hours required; therefore, the previous estimate is being used.

The burden is calculated as follows:

Estimated respondents/yr.....	4,500
Responses per respondent.....	<u>x 3</u>
Total annual responses.....	13,500
Estimated hours/response.....	<u>x 1</u>
Estimated annual burden hours.....	13,500
Hourly rate*.....	<u>x \$57</u>
Estimated cost to the public.....	\$769,500

* Based on the Office of Personnel Management (OPM) 2021 General Schedule (GS) 12/step 5 salary for the rest of the United States (\$42.08 per hour) plus a 36.25 percent fringe factor, rounded to the nearest whole dollar. The fringe factor used is pursuant to the rate provided in OMB memorandum M-08-13 for use in public-private competition.

14. Estimated cost to the Government.

Time required for Governmentwide review is estimated at 3 hours per response.

Total annual responses.....	13,500
Review time per response (hours).....	<u>x 3</u>
Review time per year (hours).....	40,500
Hourly rate*.....	<u>x \$57</u>
Estimated annual cost to the Government.....	\$2,308,500

15. Explain reasons for program changes or adjustments reported in Item A.13 or A.14. There are no program changes. The estimated cost to the public and to the Government was updated 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.