

**Supporting Statement for the
Procurement Solicitation Package
(FR 1400; OMB No. 7100-0180)**

Summary

The Board of Governors of the Federal Reserve System (Board), under authority delegated by the Office of Management and Budget (OMB), has extended for three years, without revision, the Procurement Solicitation Package (FR 1400; OMB No. 7100-0180). The Board uses the Procurement Solicitation Package, which includes a supplier database and solicitation documents as appropriate, to assist in the competitive process of soliciting proposals from suppliers of goods and services. The Procurement Solicitation Package includes the:

- Supplier Registration System (FR 1400A),¹
- Solicitation Package (Solicitation, Offer, and Award Form; Supplier Information Form; Past Performance Data Sheet; and Past Performance Questionnaire) (FR 1400B),
- Supplier Risk Management Offeror Questionnaire (FR 1400C),² and
- Subcontracting Report (FR 1400D).

The solicitation documents are typically for the procurement of goods, services and construction that are not off-the-shelf items. The Board's supplier database serves as a venue for Board staff to research potential suppliers and their qualifications. When a solicitation is constructed for a specific acquisition, the solicitation package is typically called a Solicitation, Offer, and Award (SOA) document which consists of the Solicitation Form (Section A of the SOA) and Supplier Information Form (Section N of the SOA), which are both part of FR 1400B. Depending on the requirements of the specific acquisition, the SOA may also consist of a Past Performance Data Sheet (part of FR 1400B), Past Performance Questionnaire (part of FR 1400B), Supplier Risk Management Offeror Questionnaire (FR 1400C), or Subcontracting Report (FR 1400D). This information collection is required to collect data on prices, specifications of goods and services, and qualifications of prospective suppliers.

The estimated total annual burden for the FR 1400 is 24,830 hours.

Background and Justification

The Board is continuously seeking suppliers who are interested in doing business with the Board through various outreach events, minority/diversity conferences, meetings, and events targeted to either a specific industry classification of suppliers or an upcoming acquisition. Suppliers are encouraged during these efforts to register in the Board's database of interested suppliers (FR 1400A). A supplier searching the Internet can also find the registration system via the Board's public website and elect to register.³ The Supplier Registration System collects

¹ Previously, the FR 1400A was titled "Vendor Database". It was renamed "Supplier Registration System" so that the terminology used when referring to respondents was uniform across the collection.

² Previously, the FR 1400C was titled "Vendor Risk Management Offeror Questionnaire". It was renamed "Supplier Risk Management Offeror Questionnaire" so that the terminology used when referring to respondents was uniform across the collection.

³ <https://www.federalreserve.gov/secure/vendorregistration/>.

pertinent information on their firm and the capabilities they can offer to the Board. While completion of the registration process does not guarantee future opportunities with the Board, it does bring a supplier's capabilities to the attention of Procurement staff whose role is to match supplier capabilities with specific acquisition activities when contracting opportunities arise. In announcing an acquisition, Board staff contacts suppliers registered in the Board's system via electronic mail or by telephone, and provides the documents and applicable attachments included in the Solicitation Package (FR 1400B).

The Solicitation Package and Supplier Risk Management Offeror Questionnaire (FR 1400C) collect information used in evaluating the competitive bids and contracts submitted by suppliers (also referred to as offerors). Depending upon the goods and services for which the Board is seeking bids, the supplier is asked to provide a document (proposal) covering prices, the means of performing a particular service, and a description of the qualification of the staff of the offeror who will perform the service. The supplier may also be asked to provide past performance and information regarding security protocols. The security controls required, which would be reported using the Supplier Risk Management Offeror Questionnaire (FR 1400C), are defined and prioritized based on the Federal Information Security Modernization Act of 2014 (FISMA) and the National Institute of Standards and Technology (NIST) Special Publication 800-53 (Security Controls and Assessment Procedures for Federal Information Systems and Organizations). The entire proposal submitted by the supplier is used by the Board staff to evaluate the solicitation package documents and select the offer providing the best value.

In addition, depending upon the supplier selected for the contract award, the supplier is required to submit the Subcontracting Report (FR 1400D). The Subcontracting Report collects information regarding the supplier's subcontracting commitments toward diversity and inclusion of minority-owned and women-owned suppliers in subcontracting activities to facilitate the Board's compliance with section 342(c) of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act).

The information collected through the Procurement Solicitation Package is necessary for Board staff to fairly and accurately evaluate the merits of suppliers' proposals; to select the proposal most advantageous to the Board, taking into account price and other key factors; and to award and administer contracts after a supplier has been selected. This information is not available from other sources.

Description of Information Collection

The Supplier Registration System (FR 1400A) has five sections. The first section asks for the company name (legal), the name of the company (doing business as), and the Federal Tax ID of the company. The second section asks for full business mailing address. The third section asks for business phone number, fax, website, and number of years in business (0-99). The fourth section asks for Dun & Bradstreet number, industry classification code (NAICS code), business size (small or large) and for the respondent to indicate whether or not they are a GSA contract holder, and SEWP contract holder, a woman-owned business, a veteran-owned business, a minority-owned business; if they select that they are a minority-owned business, a demographic drop down list will appear. In the fifth and final section, it asks for a contact name, title, e-mail

address, phone number, a brief description of your business, and how you met the Board (outreach event, advocacy group, or other).

The Solicitation Package (FR 1400B) includes:

- A cover letter,
- A Solicitation, Offer, and Award Form (Section A) which outlines pertinent dates for the supplier as well as requires the supplier to input contact information and a summary of proposed pricing,
- A Supplier Information Form (Section N) that requires supplier contact information, demographic, and payment information so that the supplier can be properly established in the contract writing system and receive payment upon the receipt of a proper and valid invoice,
- A description, provided by the Board, of the goods or services desired,
- A statement of how the Board will evaluate the prospective suppliers,
- A statement of how the Board will evaluate the proposal,
- Solicitation instructions (how to prepare and submit the proposal, including all deadlines),
- Contract terms (work standards, inspections, work delays, work change orders, payment, taxes, and compliance with small business and labor laws), and
- Representations and certifications suppliers must make in order to participate in the solicitation.

The Solicitation, Offer, and Award form (Section A of FR 1400B) is required with proposals offered in response to a solicitation issued by the Board. The Supplier Information Form (Section N) is required for the entry of a supplier into the Board's contract writing and invoice payment system. The Solicitation Package may also include the Past Performance Data Sheet and Past Performance Questionnaire (Section I) if past performance is an evaluation factor. This questionnaire requests information on up to three previous contracts that are recent and relevant to the solicitation, such as a description of the work, the period of performance when the work was completed, the agency for which the work was performed, and an estimated total dollar amount of the effort.

The Procurement Solicitation Package requires additional information for solicitations that require the supplier to process, store, or transmit data from the Board (Data Solicitations) and for solicitations involving contracts that have subcontracting opportunities and are expected to exceed \$100,000, or \$300,000 for construction solicitations (Subcontracting Solicitations). For Data Solicitations, suppliers must complete the Supplier Risk Management Offeror Questionnaire (FR 1400C). This questionnaire requires suppliers to specify the security controls surrounding the supplier's security protocols and proposed application, if applicable, that will be used to process, store, or transmit the data.⁴ For Subcontracting Solicitations, non-covered

⁴ Security controls are defined and prioritized based on the FIMSA and the NIST Special Publication 800-53 (Security Controls and Assessment Procedures for Federal Information Systems and Organizations).

company⁵ suppliers must submit a subcontracting plan in the supplier's own format. The subcontracting plan provides contain information on the nature of subcontracted activities, including the percentage of subcontracted work, and identity of subcontractors, including the subcontractors' size and ownership status, the company will use if awarded the effort. If a supplier is awarded a contract following a Subcontracting Solicitation, the supplier must provide semiannual Subcontracting Reports (FR 1400D) to the Board, to document compliance with section 342(e) of the Dodd-Frank Act.⁶

The Board is the contracting authority for itself and the Federal Financial Institutions Examination Council (FFIEC), and the Procurement Solicitation Package is also used for solicitations conducted on behalf of the FFIEC. Applicants and members of the Board's Community Advisory Council (CAC) also use the Supplier Information Form to provide banking information for travel reimbursement.

Respondent Panel

The FR 1400 panel comprises businesses and individuals.

Time Schedule for Information Collection

The use and input of supplier information into the Board's Supplier Registration System (FR 1400A) is solely at the discretion of the supplier and may occur at any point in time. The remainder of the Procurement Solicitation Package is collected as-needed from suppliers when Board staff issues a solicitation. Board staff will provide prospective suppliers with deadlines for inquiries regarding the solicitation and for submitting proposals, which must include the Solicitation Package (FR 1400B) and, if appropriate, the Supplier Risk Management Offeror Questionnaire (FR 1400C). For Subcontracting Solicitations, the selected supplier must submit the Subcontracting Report (FR 1400D) semiannually beginning six months after the contract was awarded if it is not a covered company.

Public Availability of Data

No data collected by this information collection is published.

⁵ A "covered company" is a firm qualified as a small business concern under the Small Business Act (15 U.S.C. § 632) and regulations thereunder, including (1) business concerns that meet the size eligibility standards set forth in 13 CFR 121, (2) small business concerns owned and controlled by service-disabled veterans as defined by 15 U.S.C. § 632(q), (3) qualified HUBZone small business concerns pursuant to 15 U.S.C. § 632(p) and 13 CFR 126, (4) socially and economically disadvantaged small business concerns as defined by 15 U.S.C. § 637 and certified as such under 13 CFR 125, and (5) small business concerns owned and controlled by women as defined by 15 U.S.C. § 632(n).

⁶ 12 U.S.C. § 5452(e) requires the Board to submit an annual report to Congress regarding the total amounts paid by the agency to contractors since the previous report, the successes achieved and challenges faced by the agency in operating minority and women outreach programs, the challenges the agency may face in hiring qualified minority and women employees and contracting with qualified minority-owned and women-owned businesses, and any other information, findings, conclusions, and recommendations for legislative or a agency action.

Legal Status

The filing requirements under the FR 1400 are authorized by sections 10 and 11 of the Federal Reserve Act (FRA) and section 342(c) of the Dodd-Frank Act. Section 10(3) and section 11 of the FRA authorize the Board to manage its buildings and staff (12 U.S.C. §§ 243 and 248(1)). Section 10(4) of the FRA authorizes the Board to determine and prescribe the manner in which its obligations shall be incurred and its disbursements and expenses allowed and paid (12 U.S.C. § 244). Section 342(c) of the Dodd-Frank Act requires the Board to develop and implement standards and procedures for the review and evaluation of contract proposals and for hiring service providers that include a component that gives consideration to the diversity of a prospective vendor and the fair inclusion of women and minorities in the workforce of such vendor and any subcontractor (12 U.S.C. § 5452(c)). Registering in the Supplier Registration System (FR 1400A) is voluntary. The remaining portions of the FR 1400 (FR 1400B, FR 1400C, and FR 1400D) are required to obtain a benefit for prospective vendors to the Board.

A prospective supplier may request confidential treatment of information submitted as part of its Procurement Solicitation Package under exemption 4 of the Freedom of Information Act (FOIA), which protects commercial or financial information that is both customarily and actually treated as private (5 U.S.C. § 552(b)(4)). In addition, a prospective supplier may request confidential treatment of information pursuant to exemption 6 of the FOIA, which protects personal information, the disclosure of which would “constitute a clearly unwarranted invasion of privacy” (5 U.S.C. § 552(b)(6)). Determinations of confidentiality based on exemption 4 or exemption 6 of the FOIA would be made on a case-by-case basis.

Consultation Outside the Agency

There has been no consultation outside the Federal Reserve System.

Public Comments

On November 23, 2021, the Board published an initial notice in the *Federal Register* (86 FR 66557) requesting public comment for 60 days on the extension, without revision, of the FR 1400. The comment period for this notice expired on January 24, 2022. The Board did not receive any comments. The Board adopted the extension, without revision, of the FR 1400 as originally proposed. On April 5, 2022, the Board published a final notice in the *Federal Register* (87 FR 19687).

Estimate of Respondent Burden

As shown in the table below, the estimated total annual burden for the FR 1400 is 24,830 hours. The number of respondents is based on the average number of FR 1400 filings received in the past two years and review of current projections for upcoming procurement efforts. These reporting requirements represent less than 1 percent of the Board’s total paperwork burden.

FR 1400	<i>Estimated number of respondents⁷</i>	<i>Annual frequency</i>	<i>Estimated average hours per response</i>	<i>Estimated annual burden hours</i>
FR 1400A	250	1	1	250
FR 1400B	300	1	81	24,300
FR 1400C	60	1	4	240
FR 1400D	20	2	1	<u>40</u>
	<i>Total</i>			24,830

The estimated total annual cost to the public for the FR 1400 is \$1,500,974.⁸

Sensitive Questions

The Dodd-Frank Act requires the Board to develop and implement standards and procedures to assess the diversity policies and practices in all business and activities of the agency at all levels, including procurement, insurance, and all types of contracts. In order to comply with the mandate and reporting of the Dodd-Frank Act, suppliers are asked to submit information regarding the ownership of their company based on race and ethnicity in the Supplier Information Form. Also, in the Supplier Information Form, suppliers are asked to provide banking information to allow for electronic payment.

Estimate of Cost to the Federal Reserve System

The estimated cost to the Federal Reserve System for collecting and processing this information collection is negligible.

⁷ Of these respondents, 150 for the FR 1400A, 180 for the FR 1400B, 30 for the FR 1400C, and 4 for the FR 1400D are considered small entities as defined by the Small Business Administration (i.e., entities with less than \$600 million in total assets), <https://www.sba.gov/document/support-table-size-standards>. There are no special accommodations given to mitigate the burden on small institutions.

⁸ Total cost to the public was estimated using the following formula: percent of staff time, multiplied by annual burden hours, multiplied by hourly rates (30% Office & Administrative Support at \$21, 45% Financial Managers at \$74, 15% Lawyers at \$71, and 10% Chief Executives at \$102). Hourly rates for each occupational group are the (rounded) mean hourly wages from the Bureau of Labor and Statistics (BLS), *Occupational Employment and Wages, May 2021*, published March 31, 2022, <https://www.bls.gov/news.release/ocwage.t01.htm>. Occupations are defined using the BLS Standard Occupational Classification System, <https://www.bls.gov/soc/>.