

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
OMB CONTROL NO.9000-0082
Federal Acquisition Regulation Part 7 Requirements**

FAR Sections Affected: 52.207-3 and 52.207-4

A. Justification.

1. Administrative requirements.

The Department of Defense, General Services Administration, and National Aeronautics and Space Administration are combining OMB Control Nos. for the Federal Acquisition Regulation (FAR) by FAR part. This consolidation is expected to improve industry's ability to easily and efficiently identify burdens associated with a given FAR part. The review of the information collections by FAR part allows improved oversight to ensure there is no redundant or unaccounted for burden placed on industry. Lastly, combining information collections in a given FAR part is also expected to reduce the administrative burden associated with processing multiple information collections.

This justification supports the revision of OMB Control No. 9000-0082 and combines it with the previously approved information collection under OMB Control No. 9000-0114, with the new title "Federal Acquisition Regulation Part 7 Requirements". Upon approval of this consolidated information collection, OMB Control No. 9000-0114 will be discontinued. The burden requirements previously approved under the discontinued number will be covered under OMB Control No. 9000-0082.

This clearance covers the information that offerors or contractors must submit to comply with the following FAR requirements:

FAR clause 52.207-3, Right of First Refusal of Employment, requires contractors to provide the contracting officer, within 120 days of beginning contract performance, the names of personnel who were: adversely affected or separated from Government employment as a result of the contract award; and

subsequently hired by the contractor to perform under the contract within 90 days after contract performance began.

FAR provision 52.207-4, Economic Purchase Quantity–Supplies, permits offerors, who believe that acquisition of supplies in quantity different from what is being solicited would be more advantageous to the Government, to recommend with their offer a more economic purchase quantity for the required supplies.

2. Uses of information.

The information provided under FAR clause 52.207-3 is used by the Government to ensure: contractor compliance with providing the right of first refusal to such affected personnel; and certain obligations to displaced employees are met by the Government.

The information provided under FAR provision 52.207-4 is used by the Government to acquire supplies at the total and unit costs most advantageous to the Government and to develop a database for future acquisitions of such items of supply.

3. Consideration of information technology. Federal agencies use improved 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 consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently. Collection of this information on a basis other than solicitation-by-solicitation or contract-by-contract is not practical.

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 87 FR 19515, on April 4, 2022.

B. A 30-day notice was published in the *Federal Register* at 87 FR 36858, on June 21, 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.

Total Estimated Annual Public Hour and Cost Burden.

The following is a summary of the total estimated annual public burden associated with this FAR part 7 provision and clause:

| | |
|------------------------------------|------------|
| Estimated respondents/yr..... | 14,510 |
| Total annual responses..... | 14,510 |
| Estimated annual burden hours..... | 14,530 |
| Estimated cost to the public..... | \$ 857,270 |

a. FAR clause 52.207-3

Section 741 of the Consolidated Appropriations Act, 2020 (Pub. L. 116-93) prohibits a public-private competition to convert to contractor performance any function performed by Federal employees. Based on this Governmentwide moratorium and considering the possibility that some exceptions may exist, the Government estimates approximately 10 respondents will provide

the information required by FAR clause 52.207-3. The Government estimates it will take respondents approximately three hours to prepare and submit a response.

| | |
|--|---------------|
| Estimated number of respondents/yr..... | 10 |
| Responses per Respondent..... | <u>x 1</u> |
| Total annual responses..... | 10 |
| Estimated hrs/response..... | <u>x 3</u> |
| Estimated annual burden hours..... | 30 |
| Hourly rate ¹ | <u>x \$59</u> |
| Estimated annual cost to the public..... | \$1,770 |

b. FAR provision 52.207-4

The Government does not collect data on the number of responses received under this provision. As a result, this estimate is based on Federal Procurement Data System (FPDS) data on the number of fixed price purchase orders and contracts for supplies awarded annually by the Government. The data excluded: task and delivery orders, as the quantity and price points have typically been negotiated at the contract level; and cost type contracts, as this contract type is used when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy - a situation which would preclude the offeror from responding to 52.207-4.

According to FPDS data for fiscal years 2019 through 2021, the Government awards approximately 145,000 fixed priced contracts and purchase orders for supplies annually. Assuming one solicitation was issued for each contract awarded, the Government estimates that 10%, or 14,500, of these awards received one response from a unique offeror in regards to the provision. The Government estimates it takes respondents approximately one hour to prepare and submit a response.

| | |
|---|------------|
| Estimated number of respondents/yr..... | 14,500 |
| Responses per Respondent..... | <u>x 1</u> |
| Total annual responses..... | 14,500 |

¹The hourly rate of \$58.72 is based on the Office of Personnel Management (OPM) 2022 General Schedule (GS) 12/step 5 salary for the rest of the United States (\$43.10 per hour) plus a 36.25 percent overhead and benefits factor, rounded to the nearest whole dollar.

| | |
|--|---------------|
| Estimated hrs/response..... | <u>x 1</u> |
| Estimated annual burden hours..... | 14,500 |
| Hourly rate ¹ | <u>x \$59</u> |
| Estimated annual cost to the public..... | \$855,500 |

14. Estimated cost to the Government.

Total Estimated Annual Government Cost.

The following is a summary of the total estimated annual Government cost associated with this FAR part 7 provision and clause:

| | |
|---|-----------|
| Total annual responses..... | 14,510 |
| Estimated annual review time (hours)..... | 14,505 |
| Estimated cost to the Government..... | \$855,759 |

a. FAR clause 52.207-3

The Government estimates that it will take approximately .5 hour for the contracting officer to review and coordinate a response received under FAR clause 52.207-3.

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|--|---------------|
| Total annual responses..... | 10 |
| Review Time per response (hours)..... | <u>x .5</u> |
| Review time per year (hours)..... | 5 |
| Hourly rate ¹ | <u>x \$59</u> |
| Estimated annual cost to the Government..... | \$259 |

b. FAR provision 52.207-4

The Government estimates that it will take approximately .5 hour for the contracting officer to review and coordinate a response received under FAR provision 52.207-4.

| | |
|--|---------------|
| Total annual responses..... | 14,500 |
| Review Time per response (hours)..... | <u>x 1</u> |
| Review time per year (hours)..... | 14,500 |
| Hourly rate ¹ | <u>x \$59</u> |
| Estimated annual cost to the Government..... | \$855,500 |

15. Explain reasons for program changes or adjustments reported in Item A.13 or A.14.

There are no program changes. The FAR requirements remain the same.

For FAR provision 52.207-4, the increase in respondents from 3,000 to 7,250, and the decrease in: responses per respondent from 25 to 1; total annual responses from 75,000 to 7,250; and the total estimated cost to the public and to the Government from \$4,050,000 to \$855,500 results from a change in the methodology used to calculate the burdens. Previously, these burdens were calculated based on the input of subject matter experts. This clearance utilizes contract award data from FPDS to estimate the number of solicitations that could be subject to the provision.

The estimated cost to the public and to the Government for FAR clause 52.207-3 was increased based on use of calendar year 2022 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.