

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
OMB CONTROL NO. 9000-0184
Contractors Performing Private Security Functions Outside the
United States**

FAR section affected: 52.225-26

A. Justification.

1. Administrative requirements.

This justification supports an extension of the expiration date of OMB Control No. 9000-0184. This clearance covers the information that contractors must submit to comply with Federal Acquisition Regulation (FAR) clause 52.225-26, Contractors Performing Private Security Functions Outside the United States. When contract performance is required outside the United States in an area of combat operations or significant military operations, this clause requires contractors to ensure employees performing private security functions under the contract comply with 32 CFR part 159, and any orders, directives, or instructions that are identified in the contract for:

- Registering, processing, accounting for, managing, overseeing, and keeping appropriate records of personnel performing private security functions;
- Requesting authorization of and accounting for weapons to be carried by or available to personnel performing private security functions;
- Registering and identifying armored vehicles, helicopters, and other military vehicles operated by employees performing private security functions; and
- Reporting incidents in which personnel performing private security functions: discharge a weapon; are attacked, killed, or injured; kill or injure a person or destroy property as a result of conduct by contractor personnel; have a weapon discharged against them or believe a weapon was so discharged; or employ active, non-lethal countermeasures in response to a perceived immediate threat.

2. Uses of information. The Government uses the information provided to ensure accountability, visibility, force protection, medical support, personnel recovery, and other related support can be accurately forecasted and provided to deployed contractors, as required.

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. The Defense Federal Acquisition Regulation Supplement (DFARS) clause 252.225-7040, Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States, collects this information from the Department of Defense (DoD) contractors (see OMB Control Number 0704-0460, Synchronized Predeployment and Operational Tracker Enterprise Suite (SPOT-ES) System). This clearance does not duplicate the requirements of the DFARS clause, as this clearance only applies to applicable contractors of non-DoD agencies.

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. If this data is not collected and updated, as necessary, there is a risk that contractor personnel will be without the ability to obtain life support or personnel recovery services when placed in harm's way. Also, the collection of information is required to comply with section 862 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2008, as amended by section 853 of the NDAA for FY 2009, and sections 831 and 832 of the NDAA for FY 2011.

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 29315, on May 13, 2022. No comments were received.

B. A 30-day notice was published in the *Federal Register* at 87 FR 46960, on August 1, 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.

This estimate is based on Federal Procurement Data System (FPDS) data on the number of service contracts and orders performed in combat zones¹ awarded annually by non-DoD agencies. According to FPDS data for fiscal years 2019 through 2021, non-DoD agencies award approximately 552 service contracts and orders to be performed in combat zones annually. Of these contracts, the Government estimates that 5%, or 28 contracts, may require contractor employees to perform private security functions. For each of the 28 contracts, it is estimated a contractor will provide approximately 5 responses to the Government over the life of the contract and that it will take 0.5 hour to prepare and submit a response.

Estimated number of respondents/yr.....	28
Responses per respondent.....	<u>x 5</u>
Total annual responses.....	140
Estimated hrs/response.....	<u>x 0.5</u>

¹ <https://www.dfas.mil/militarymembers/payentitlements/Pay-Tables/CZ1/>

Estimated annual burden hours.....	70
Hourly rate ²	x \$59
Estimated annual cost to the public.....	\$ 4,130

14. Estimated cost to the Government.

The Government estimates that it will take approximately 0.5 hour for a Government employee to review and coordinate, as necessary, a response received under FAR clause 52.225-26.

Total annual responses.....	140
Review time per response (hours).....	x 0.5
Review time per year (hours).....	70
Hourly rate*.....	x \$59
Estimated annual cost to the Government.....	\$ 4,130

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.

The increase in respondents from 16 to 28, total annual responses from 80 to 140, and the total estimated cost to the public and to the Government is due to: the use of current FPDS data, the use of calendar year 2022 OPM GS wage rates, and a change in the methodology used to calculate the estimate. It is unclear in the summary statement for previous information collection what criteria were used to search FPDS. As a result, this request establishes a reasonable methodology, as described in paragraphs 12 and 13, to estimate burden for this information collection.

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.

²The hourly rate of \$59 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.

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.