

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
OMB CONTROL NO. 9000-0066
CERTAIN FEDERAL ACQUISITION REGULATION
PART 22 LABOR REQUIREMENTS**

FAR sections affected: 52.222-2, 52.222-6, 52.222-11, 52.222-18, 52.222-33, 52.222-34, 52.222-46, and Standard Forms (SFs) 1413 and 1444

1. Administrative requirements. This clearance covers the information that offerors and contractors must submit to comply with the following Federal Acquisition Regulation (FAR) part 22 labor requirements:

- **FAR 52.222-2, Payment for Overtime Premiums.** This clause requires the contractor to request authorization for overtime premiums costs that exceed the amount negotiated in the contract. The request shall include information on the affected work unit current staffing and workload, how a denial of the request would impact performance on the instant contract or other contracts, and reasons why the work cannot be performed by using multishift operations or by employing additional personnel.
- **FAR 52.222-6, Construction Wage Rate Requirements, and the SF 1444.** This clause requires the contractor to establish additional classifications, if any laborer or mechanic is to be employed in a classification that is not listed in the wage determination applicable to the contract. In such cases, the contractor is required to complete and submit a Standard Form (SF) 1444, Request for Authorization of Additional Classification and Rate, along with other pertinent data, containing the proposed additional classification and minimum wage rate including any fringe benefits payments.
- **FAR 52.222-11, Subcontracts (Labor Standards), and the SF 1413.** This clause requires a contractor to submit an SF 1413, Statement and Acknowledgment, for each subcontract for construction within the United States, including the subcontractor's signed and dated acknowledgment that the required labor clauses necessary to implement various labor statutes have been included in the subcontract.
- **FAR 52.222-18, Certification Regarding Knowledge of Child Labor for Listed End Products.** This provision (and its

commercial equivalent in the provision at 52.212-3) requires the offeror, as part of its annual representations and certifications, to either certify in paragraph (c)(1) that it will not supply an end product of a type identified on the Department of Labor (DOL) List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor (<https://www.dol.gov/agencies/ilab>), or certify in paragraph (c)(2) that it has made a good faith effort to determine whether such child labor was used to mine, produce, or manufacture such end product, and is unaware of any such use of child labor.

- **FAR 52.222-33, Notice of Requirement for Project Labor Agreement.** When a project labor agreement (PLA) (a pre-hire collective bargaining agreement described in 29 U.S.C. 158(f)) is required for a large-scale construction contract, this provision requires the offeror to submit a copy of a PLA at the time offers are due, prior to award, or after contract award as determined by the agency.
- **FAR 52.222-34, Project Labor Agreement.** When a PLA is required for a construction contract, this clause requires the contractor to maintain the PLA in a current state throughout the life of the contract.
- **FAR 52.222-46, Evaluation of Compensation for Professional Employees.** This provision requires offerors to submit for evaluation a total compensation plan setting forth proposed salaries and fringe benefits for professional employees working on the contract.

2. Uses of information.

- **FAR 52.222-2, Payment for Overtime Premiums.** Contracting officers use this information to evaluate whether the overtime is necessary.
- **FAR 52.222-6, Construction Wage Rate Requirements, and the SF 1444.** The contracting officer submits the SF 1444 to the DOL Wage and Hour Division with a request for conformance review to determine the appropriateness of the request.
- **FAR 52.222-11, Subcontracts (Labor Standards), and the SF 1413.** Contracting officers review the information on the form to ascertain whether contractors have included the required labor clauses in their subcontracts.

- **FAR 52.222-18, Certification Regarding Knowledge of Child Labor for Listed End Products.** This information is used by Government to ensure that a good faith effort has been made to determine whether forced or indentured child labor was used to mine, produce, or manufacture any product on the List furnished under the contract.
- **FAR 52.222-33, Notice of Requirement for Project Labor Agreement.** During the evaluation of offers on a construction contract, the contracting officer reviews the offeror's PLA to determine if it conforms with all statutes, regulations, and Executive Orders.
- **FAR 52.222-34, Project Labor Agreement.** This recordkeeping requirement is necessary for the Government to ensure that the contractor stays a party to the PLA during the life of the construction contract.
- **FAR 52.222-46, Evaluation of Compensation for Professional Employees.** The Government will use this information to determine if professional employees are compensated fairly and properly. Plans indicating unrealistically low professional employees' compensation may be assessed adversely as one of the factors considered in making a contract award.

3. Consideration of information technology. Information technology is used 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. This requirement is issued under the FAR, which has been developed to standardize Federal procurement practices and eliminate unnecessary duplication. Similar information is not already available to the Government.

5. If the collection of information impacts small businesses or other entities, 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 or solicitation-by-solicitation is not practical.

7. Special circumstances for collection. Collection is consistent with guidelines in 5 CFR 1320.6.

8. Efforts to consult with persons outside the agency.

a. A 60-day notice was published in the *Federal Register* at 87 FR 1413, on January 11, 2022. No comments were received.

b. A 30-day notice was published in the *Federal Register* at ___ FR _____, on _____.

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 and current regulations.

11. Additional justification for questions of a sensitive nature. No sensitive questions are involved.

12 & 13. Estimated total annual public hour and cost burden. The following respondent and response estimates are based on historical award data available in the Federal Procurement Data System (FPDS) for fiscal years 2018 through 2020 or data available in the System for Award Management (SAM). Unless otherwise noted, the hourly rate of pay is from the Office of Personnel Management (OPM) 2021 General Schedule (GS) Salary Table for the Rest of the United States, effective January 2021 (available at <https://www.opm.gov/>), for a GS-12/Step 5 employee (\$42.08 per hour) plus a 36.25 percent fringe factor mandated by Office of Management and Budget (OMB) memorandum M-08-13 for use in public-private competition (see <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2008/m08-13.pdf>) and rounded to the nearest whole dollar.

TOTAL PUBLIC BURDEN

The following is a summary of the total estimated annual public burden associated with these FAR part 22 provisions and clauses:

Requirement	Recordkeepers / Respondents	Responses / Records	Hours	Cost
FAR 52.222-2	2,106	2,106	527	\$30,011
FAR 52.222-6	4,691	9,382	779	\$44,386
FAR 52.222-11	9,382	75,056	3,753	\$213,910
FAR 52.222-18(c)(1)	521,313	521,313	10,426	\$417,050
FAR 52.222-18(c)(2)	1,317	1,317	659	\$31,608
FAR 52.222-33	57	57	57	\$2,736
FAR 52.222-34*	57	57	171	\$8,208
FAR 52.222-46	5,031	10,062	5,031	\$286,767
TOTAL	543,954	619,350	21,402	\$1,034,676

* Recordkeeping

REPORTING REQUIREMENTS

□ **FAR 52.222-2, Payment for Overtime Premiums.** This clause is prescribed at FAR 22.103-5(b) for use in cost-reimbursement contracts that exceed the simplified acquisition threshold, with few exceptions. According to FPDS, on average the Government awards 7,286 cost-reimbursement contracts that exceed \$250,000 to 2,106 unique awardees per year, approximately 3 contracts per contractor (7,286 awards / 2,106 unique awardees, rounded to the nearest whole number). The Government estimates that each contractor may submit a request for overtime on one of their contracts each year and that it will take the contractor one hour to prepare each request.

Estimated respondents/year.....	2,106
Responses/respondent annually.....	x <u>1</u>
Total annual responses.....	2,106
Estimated hours/response.....	x <u>0.25</u>
Estimated total burden hours.....	526.50
Hourly rate.....	x <u>\$57.00</u>
Estimated cost to public.....	\$30,010.50

□ **FAR 52.222-6, Notice to the Government of Labor Disputes, and the SF 1444.** This supporting statement covers the burden associated with completing the SF-1444. DOL's OMB Control Number 1235-0023 covers the burden associated with gathering the relevant information for submission to the contracting activity. DOL estimates that it receives 8,500 conformance requests each year and that it takes contractors 15 minutes to gather the relevant information for the contracting activity. This clause is prescribed at FAR

22.407(a)(1) for use contracts that exceed \$2,000 for construction within the United States. According to FPDS, on average the Government awards 16,737 contracts that exceed \$2,000 under the product service codes beginning with "Y" or "Z2" to 4,691 unique awardees per year. Using the FPDS data and considering the DOL estimate for conformance reports received, it is estimated that 4,691 unique respondents may complete two SF 1444s each year and may take five minutes to fill-out and sign the form.

Estimated respondents/year.....	4,691
Responses/respondent annually.....	<u>x 2</u>
Total annual responses.....	9,382
Estimated hours/response.....	<u>x 0.083</u>
Estimated total burden hours.....	778.71
Hourly rate.....	<u>x \$57</u>
Estimated cost to public.....	\$44,386.24

□ **FAR 52.222-11, Subcontracts (Labor Standards), and the SF 1413.** This clause is prescribed at FAR 22.407(a)(6) for use in contracts that exceed \$2,000 for construction within the United States. According to FPDS, on average the Government awards 16,737 contracts that exceed \$2,000 under the product service codes beginning with "Y" or "Z2" to 4,691 unique awardees per year, approximately 4 contracts per contractor (16,737 awards / 4,691 unique awardees, rounded to the nearest whole number). Many contracts do not have any subcontracts, but after consulting experienced contracting officers, the Government assumes that an estimate of two subcontracts per contract is reasonable. Therefore, the Government estimates that prime contractors submit 8 responses annually, or 37,528 total responses (4,691 contractors * 4 contracts per contractor * 2 subcontracts per contract * 1 response per subcontract). For the purposes of this analysis, it is assumed that there are an equivalent number of unique subcontractors as prime contractors. Therefore, the Government estimates that 4,691 subcontractors also submit 8 responses annually (37,528 total subcontractor responses / 4,691 subcontractors). The Government estimates that, on average, it takes three minutes to complete SF 1413.

Estimated respondents/year.....	9,382
Responses/respondent annually.....	<u>x 8</u>
Total annual responses.....	75,056
Estimated hours/response.....	<u>x 0.05</u>
Estimated total burden hours.....	3,752.80

Hourly rate.....	x	\$57.00
Estimated cost to public.....		\$213,909.60

□ **FAR 52.222-18, Certification Regarding Knowledge of Child Labor for Listed End Products.** This provision includes a certification that must be completed by an entity when the entity registers in SAM and updated at least annually. As of December 21, 2021, there are 522,630 registrants in SAM. The vast majority of registrants are able to quickly certify in paragraph (c)(1) of the provision that they do not provide end products on the DOL's list. The Government estimates that 1,317 entities may provide such end products and have to certify in paragraph (c)(2) that they have made a good faith effort to determine whether child labor.¹ The Government estimates that it takes most registrants about one minute to certify in paragraph (c)(1) that they do not provide covered end products. For those registrants that do, the Government estimates that it takes the registrant thirty minutes to review their end product offerings and make the certification in paragraph (c)(2).

Does not offer end products on DOL list

Estimated respondents/year.....		521,313
Responses/respondent annually.....	x	1
Total annual responses.....		521,313
Estimated hours/response.....	x	0.02
Estimated total burden hours.....		10,426.26
Hourly rate*.....	x	\$40.00
Estimated cost to public.....		\$417,050.40

* Based on a GS-9/step 5 salary for the rest of the United States (\$29.02/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

May offer end products on DOL list

Estimated respondents/year.....		1,317
Responses/respondent annually.....	x	1
Total annual responses.....		1,317
Estimated hours/response.....	x	0.50
Estimated total burden hours.....		685.50
Hourly rate*.....	x	\$48.00

¹ The prior supporting statement cited 438,216 active registrants, 1,104 of which certified that they may supply an end product on DOL's list. The current supporting statement uses the same proportion to determine the number of respondents. GSA has requested current data regarding the (c)(2) certification; the estimate will be updated upon receipt.

Estimated cost to public..... \$31,608.00

* Based on a GS-11/step 5 salary for the rest of the United States (\$35.11/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

□ **FAR 52.222-33, Notice of Requirement for Project Labor Agreement.** This provision is prescribed at FAR 22.505(a) for use in solicitations for the acquisition of large-scale construction projects, if the agency decides that a PLA will be required. A large-scale construction project is defined as one with a total cost to the Federal Government of \$25 million or more. According to FPDS, on average the Government awards 167 construction contracts (product service codes beginning with "Y" or "Z2") valued at \$25 million or more per year and receives an average of four offers on these contracts; however, not all contracts require a PLA. According to contract opportunity data available in SAM, on average per year there are 57 notices associated with project labor agreements for construction contracts.² Therefore, it is estimated that 57 respondents are requested to submit a PLA each.³ The Government further estimates that it will take an offeror 1 hour to prepare and submit the PLA.

Estimated respondents/year.....	57
Responses/respondent annually.....	<u>x 1</u>
Total annual responses.....	57
Estimated hours/response.....	<u>x 1</u>
Estimated total burden hours.....	57
Hourly rate*.....	<u>x \$48</u>
Estimated cost to public.....	\$2,736

* Based on a GS-11/step 5 salary for the rest of the United States (\$35.11/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

□ **FAR 52.222-46, Evaluation of Compensation for Professional Employees.** This provision is prescribed at FAR 22.1103 for use in solicitations for negotiated contracts when the contract amount is expected to exceed \$750,000 and

² Search of active and inactive contract opportunities in SAM.gov for notices published in the last three fiscal years that included "52.222-33" where the NAICS was for construction.

³ A contracting officer has discretion to require that an offeror submit a PLA with its offer or if they are the apparently successful offeror or awardee. For the purposes of this analysis, it is assumed that the latter occurs more often.

services requiring a meaningful number of professional employees is required. According to FPDS, on average per year the Government awards 8,587 covered contracts (i.e., negotiated, valued at greater than \$750,000, PSC beginning with a letter, and no labor standards) to 5,031 unique awardees each year. The median number of offers received on such contracts is six. For the purposes of this analysis, the Government assumes that these unique awardees make up the population of service contractors (respondents) generally competing on these types of contracts. The Government estimates that each respondent submits 10 responses each year (8,587 contracts * 6 offers per contract / 5,031 respondents = 10 offers per respondent rounded to the nearest whole number). The Government further estimates that it takes a respondent 30 minutes to prepare and submit the information.

Estimated respondents/year.....	5,031
Responses/respondent annually.....	x <u>2</u>
Total annual responses.....	10,062
Estimated hours/response.....	x <u>0.5</u>
Estimated total burden hours.....	5,031
Hourly rate.....	x <u>\$57</u>
Estimated cost to public.....	\$286,767

RECORDKEEPING REQUIREMENTS

□ **FAR 52.222-34, Project Labor Agreement.** This clause is prescribed at FAR 22.505(a) for use in contracts for the acquisition of large-scale construction projects, if the agency has decided that a PLA is required. Each of the 57 respondents for the corresponding provision at 52.222-33 is expected to have one recordkeeper who maintain the PLA through the life of the contract.

Estimated recordkeepers.....	57
Estimated records per recordkeeper.....	x <u>1</u>
Total annual records.....	57
Estimated hours/record.....	x <u>3</u>
Total recordkeeping burden hours.....	171
Hourly rate*.....	x <u>\$48</u>
Estimated cost to public.....	\$8,208

* Based on a GS-11/step 5 salary for the rest of the United States (\$35.11/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

14. Estimated cost to the Government. Unless otherwise noted, the hourly rate of pay is based on the hourly rate of pay from the OPM 2021 GS Salary Table for the Rest of the United States, effective January 2021 for a GS-12/Step 5 employee (\$42.08 per hour) plus a 36.25 percent fringe factor mandated by OMB memorandum M-08-13 for use in public-private competition and rounded to the nearest whole dollar.

TOTAL GOVERNMENT BURDEN

The following is a summary of the total estimated annual Government burden associated with these FAR part 22 provisions and clauses:

REPORTING	Responses	Hours	Cost
FAR 52.222-1	2,106	2,106	\$120,042
FAR 52.222-2	9,382	469	\$26,739
FAR 52.222-6/SF 1444	75,056	3,753	\$213,910
FAR 52.222-11/SF 1413	--	--	--
FAR 52.222-18(c)(1)	10	2	80
FAR 52.222-18(c)(2)	57	57	\$2,736
FAR 52.222-33	--	--	--
FAR 52.222-34	10,062	5,031	\$241,488
FAR 52.222-46	96,673	11,418	\$604,994
TOTAL	193,346	24,942	\$1,330,031

REVIEW REQUIREMENTS

- **FAR 52.222-2, Payment for Overtime Premiums.** The Government estimates that, on average, it takes the contracting officer one hour to review each request.

Total annual responses.....	2,106
Estimated hours/response.....	<u>x 1</u>
Estimated total burden hours.....	2,106
Hourly rate.....	<u>x \$57</u>
Estimated cost to Government.....	\$120,042

- **FAR 52.222-6, Notice to the Government of Labor Disputes, and the SF 1444.** This supporting statement covers the burden associated with reviewing and signing the SF-1444. DOL's OMB Control Number 1235-0023 covers the burden associated with processing and analyzing the information

provided by the contractor. The Government estimates that it may take three minutes for a contracting officer to review and sign the form.

Total annual responses.....	9,382
Estimated hours/response.....	x <u>0.05</u>
Estimated total burden hours.....	469.10
Hourly rate.....	x <u>\$57</u>
Estimated cost to Government.....	\$26,738.70

□ **FAR 52.222-11, Subcontracts (Labor Standards), and the SF 1413.** The Government estimates that, on average, it takes the contracting officer three minutes to review each form.

Total annual responses.....	75,056
Estimated hours/response.....	x <u>0.05</u>
Estimated total burden hours.....	3,752.80
Hourly rate.....	x <u>\$57.00</u>
Estimated cost to Government.....	\$213,909.60

□ **FAR 52.222-18, Certification Regarding Knowledge of Child Labor for Listed End Products.** Per 22.1503(c), a contracting office may make award for an end product on DOL's list only if the offeror has provided the certification at paragraph (c)(1) or (c)(2) of the provision. There is no Government burden associated with validating the certification in SAM for "active" registrants, since the registrant is required to complete the certification (i.e., it may not be left blank) in order for their registration to be "active." There is only burden if the contracting officer is procuring an end product on DOL's list and the offeror is covered by an exception to the SAM registration requirement for the particular acquisition (see FAR 4.1102(a)), in which case the contracting officer would need to validate the offeror has provided the certification with its offer. A review of FPDS data indicates such annual occurrences to be extremely rare. As such, the Government is using one response per 10 respondents as this is the lowest threshold in the definition of collection of information at 5 CFR 1320.3(c). It is estimated that it will take the contracting officer three minutes to locate the certification.

Estimated respondents/year.....	10
Responses/respondent annually.....	x <u>1</u>
Total annual responses.....	10
Estimated hours/response.....	x <u>0.167</u>

Estimated total burden hours.....	1.67
Hourly rate*.....	x <u>\$48</u>
Estimated cost to public.....	\$80.16

* Based on a GS-11/step 5 salary for the rest of the United States (\$35.11/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

□ **FAR 52.222-33, Notice of Requirement for Project Labor Agreement.** The Government estimates that, on average, it takes the contracting officer one hour to review each PLA.

Total annual responses.....	57
Estimated hours/response.....	x <u>1</u>
Estimated total burden hours.....	57
Hourly rate*.....	x <u>\$48</u>
Estimated cost to Government.....	\$2,736

* Based on a GS-11/step 5 salary for the rest of the United States (\$35.11/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

□ **FAR 52.222-46, Evaluation of Compensation for Professional Employees.** The Government estimates that it takes the contracting officer, on average, 30 minutes to review each submission.

Total annual responses.....	10,062
Estimated hours/response.....	x <u>0.5</u>
Estimated total burden hours.....	5,031
Hourly rate*.....	x <u>\$48</u>
Estimated cost to Government.....	\$241,488

* Based on a GS-11/step 5 salary for the rest of the United States (\$35.11/hour) plus 36.25 percent fringe factor, rounded to the nearest whole dollar.

15. Explain reasons for program changes or adjustments reported in Item 13 or 14. Significant revisions and adjustments made to the public and Government burden estimates are as follows:

- **Current Data and Information.** Where the estimated number of respondents and responses per year is based on the average of FPDS data for the three most recent fiscal years (2018 through 2020). The parameters for data pulled from FPDS for each clause or provision is consistent with the prescription, which may have resulted in changes to the

number of respondents and average contracts per respondent for the individual burden estimates. In addition, the hourly rates used to calculate the costs per hour are based on use of the current (calendar year 2021) OPM GS wage rates the rest of the United States.

- **FAR 52.222-6.** Since DOL OMB Control No. 1235-0023 covers the burden associated with gather and processing/analyzing the information that supports completion of the SF 1444, this supporting statement now covers only the burden associated with completion of the form itself.
- **FAR 52.222-18.** SAM was recently updated to require an offeror to provide the certification in paragraph (c)(1) or (c)(2) of the provision. The offeror is unable to register if they fail to provide this certification. As such, this supporting statement now covers the time it takes all 521,313 SAM registrants to provide the required certification. For the few registrants that "may" provide an end product on DOL's list, the registrant must spend more time reviewing their products offerings before making the certification. As such, the burden estimate for the certification at (c)(2) is increased from six minutes to 30 minutes per response. However, the amount of time it takes for all other registrants to quickly certify in paragraph (c)(1) that they do not provide covered end products is estimated to be just over a minute and the certification is assumed to be completed by someone with a lower hourly rate. In addition, since all registrants have to certify to be an active SAM registrant and considered for award, a contracting officer would only need to validate an offerors certification in the extremely rare circumstance that the offeror is not required to be registered in SAM and is not already registered. Therefore, the Government burden estimate is for one response from the minimum number of respondents specified at 5 CFR 1320.3(c).
- **FAR 52.222-33.** The prior supporting statement assumed that 45 service contracts per year (11.6 percent of the FY 17 service contracts) may require a PLA. Since FPDS does not provide information on when PLA's may be required, the current supporting statement relies on the number of notices published in SAM contract opportunities that cited "52.233-33" (an average of 57 notices per year) to estimate how many potential contracts per year may require a PLA.

- **FAR 52.222-34.** This clause has a recordkeeping requirement, not a reporting requirement. As such, the burden for the recordkeeping requirements in the clause at FAR 52.222-34 related to PLAs are now accounted for in this supporting statement separate from the information collection requirements in the provision at FAR 52.222-33.
- **FAR 52.222-46.** There is no recordkeeping requirement in this solicitation provision. As such, the burden for recordkeeping is removed and the hourly rate that was previously used to estimate recordkeeping is the hourly rate that is now used for the reporting requirement.

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.