

Federal Acquisition Regulation (FAR)
Commercial Acquisitions
OMB Control No. 9000-0136
Justification – Part A Supporting Statement

FAR section affected: 52.212-3(b)(2)

Overview of Information Collection:

- This justification supports clearance of an extension of the collection.

There are no program changes. The FAR requirements remain the same. This extension includes adjustments to the burden due to use of the latest Federal Procurement Data System (FPDS) data available and the calendar year 2022 Office of Personnel Management (OPM) General Schedule (GS) wage rates for the rest of the United States as explained in item 15.

1. Need & Method for the Information Collection. This clearance covers the information that offerors must submit to comply with the following FAR requirements:
 - FAR 52.212-3, Offeror Representations and Certifications - Commercial Products and Commercial Services.

Paragraph (b)(2) requires offerors to identify the applicable paragraphs at (c) through (v) of this provision that the offeror has completed for the purposes of the relevant solicitation only, if any. The provision stipulates that any changes provided by the offeror under paragraph (b)(2) are applicable to that specific solicitation only, and do not result in an update to the representations and certifications posted electronically in the System for Award Management.
2. Use of the Information. The contracting officer will use the information to determine a contractor's eligibility for award, and to incorporate appropriate terms and conditions into the contract award.
3. Use 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 offerors may submit this information collection requirement electronically.
4. Non-duplication. These requirements are issued under the FAR, which has been developed to standardize Federal procurement practices and eliminate unnecessary duplication.
5. Burden on Small Business. The burden applied to small businesses is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices.
6. Less Frequent Collection. Collection of information on a basis other than solicitation-by-solicitation is not practical.

7. Paperwork Reduction Act Guidelines. Collection is consistent with guidelines in 5 CFR 1320.5(d)(2). Respondents must prepare a written response to the collection of information in paragraph (b)(2) of the FAR provision at 52.212-3 per each solicitation if needed.
8. Consultation and Public Comments.
 - A. A 60-day notice was published in the *Federal Register* at 87 FR 43039, on July 19, 2022. No comments were received.
 - B. A 30-day notice was published in the *Federal Register* at 87 FR 58502, on September 27, 2022.
9. Gifts or Payment. This collection does not provide any payment or gift to respondents, other than remuneration of contractors.
10. Privacy & Confidentiality. This information is disclosed only to the extent consistent with prudent business practices, current regulations, and statutory requirements.
11. Sensitive Questions. No sensitive questions are involved.
12. Burden Estimate.

Estimated total annual public hour and cost burden.

There is no centralized database that maintains statistics on the number of offerors that provide the information collected under the FAR provision at 52.212-3(b)(2).

The following estimates are based on averages of historical award data available in FPDS for fiscal years 2019 through 2021 for the number of all base awards valued greater than the micro-purchase threshold (\$10,000) that used FAR part 12 acquisition procedures.

On average per year, the Government awards 138,303 contracts for the acquisition of commercial products and commercial services to 46,685 unique awardees.

The number of respondents is the number of offerors which is the number of unique awardees x 3 offerors per each solicitation (140,055= 46,685 x 3). The number of responses per year is the number of offers received which is the number of awards per year x 3 offers per award (414,909= 138,303 x 3). The responses per respondent are a mathematical calculation from dividing the estimated total annual responses by the number of respondents. The estimated time required to gather necessary information, prepare necessary paperwork, and convey this information to the Government is 30 minutes per response.

Reporting

Estimated number of respondents/yr.....	140,055
Responses per respondent.....	x <u>2.96</u>
Total annual responses.....	414,909
Estimated hrs/response.....	x <u>0.50</u>
Estimated annual burden hours.....	207,455
Hourly rate*.....	x <u>\$59</u>

Estimated annual cost to the public.....\$12,239,845

* Based on the OPM 2022 GS 12/step 5 salary for the rest of the United States (\$43.10 per hour) plus a 36.25 percent fringe factor, rounded to the nearest whole dollar (\$59). The fringe factor used is pursuant to the rate provided in OMB memorandum M-08-13 for use in public-private competition.

13. Estimated nonrecurring costs. Not applicable.

14. Estimated cost to the Government.

Estimated responses/yr.....	414,909
Reviewing time (hr)/response.....	<u>x 0.167</u>
Review time /yr.....	69,290
Hourly rate**.....	<u>x \$40</u>
Estimated annual cost to the Government.....	\$2,771,600

** Based on the OPM 2022 GS 9/step 5 salary for the rest of the United States (\$29.72 per hour) plus a 36.25 percent fringe factor, rounded to the nearest whole dollar (\$40). The fringe factor used is pursuant to the rate provided in OMB memorandum M-08-13 for use in public-private competition.

15. Reasons for changes.

There are no program changes. The FAR requirements remain the same. This extension includes updates to the burden as follows:

- Adjustments made by using FPDS data for fiscal years 2019 through 2021.
- The estimated cost to the public and to the Government was updated based on use of calendar year 2022 OPM GS wage rates for the rest of the United States.

OMB Control # 9000-0136	2019 Estimate	2022 Estimate	Change in Burden
Number of respondents	430,324	140,055	-290,269
Total annual responses	628,273	414,909	-213,364
Total burden hours	314,137	207,455	-106,682
Total annual cost to public	\$15,078,552	\$12,239,845	-\$2,838,707

16. Publicizing Results. Results will not be tabulated or published.

17. OMB Not to Display Approval. Approval to not display the expiration date for OMB approval of the information collection is not sought.

18. Exceptions to "Certification for Paperwork Reduction Submissions." There is no exception to the certification statement.

19. Surveys, Censuses, and Other Collections that Employ Statistical Methods. Statistical methods are not used in this information collection. A Part B supporting statement is not needed, or required, and therefore was not completed.