

# SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

**OMB Number 1405-0050**

***Department of State Acquisition Regulation (DOSAR)***

## **A. JUSTIFICATION**

### **1. *Why is this collection necessary and what are the legal statutes that allow this?***

This information collection covers requirements of the Department of State Acquisition Regulation (DOSAR), codified in the Code of Federal Regulations (CFR), Title 48, Chapter 6. It covers both pre-award and post-award acquisition requirements.

Pre-award actions are those actions leading up to the award of a contract. They include evaluating bids/proposals received in response to solicitations, negotiating with prospective contractors, and awarding contracts.

Post-award actions are those actions taken after contract award through contract closeout. They include monitoring contractors' performance, issuing contract modifications, and closeout of contracts upon completion.

The majority of acquisition requirements that pertain to the Department of State are covered in the Federal Acquisition Regulation (FAR), codified in CFR, Title 48, Chapter 1. Therefore, the subject information collection only includes detailed information regarding the DOSAR-specific data collection requirements that implement and supplement the FAR and other Acts as noted (i.e., DOSAR provisions and clauses requiring information collections subject to the Paperwork Reduction Act). However, in keeping with past submissions, and in order to ensure that the data being collected from the public remains fully transparent and compliant, the Department is also including estimated burdens for submitting general proposal and bid information, such as reading and discussion the solicitation, researching the requirement, developing the project team, and preparing and submitting the proposal or bid. A breakdown of each requirement is included below.

#### Pre-award

The FAR requires the issuance of written solicitation documents for all acquisitions exceeding the simplified acquisition threshold. The Department evaluates the responses to these solicitations in accordance with established criteria. Although required by the FAR, requests for proposals are included in the 5 CFR 1320.3 definition of what may contain a "collection of information" and are therefore included herein as described above.

The DOSAR includes the following solicitation provisions that, when applicable, require submissions from offerors that have been determined to be subject to the Paperwork Reduction Act:

- a. *DOSAR 652.236-71, Foreign Service Buildings Act, as Amended – This provision requires bidders or offerors to provide information to determine whether they are American-owned firms. Under the Foreign Service Buildings Act, American-owned firms*

receive a 10 percent price evaluation preference for construction, alteration, or repair of buildings or grounds abroad. (This provision only applies to solicitations exceeding \$5,000,000 for the construction, alteration, or repair of buildings or grounds overseas.)

- b. DOSAR 652.236-72, *Statement of Qualifications for the Omnibus Diplomatic Security and Antiterrorism Act* – This provision requires bidders or offerors to provide information to determine whether they are a United States person or a United States joint venture person. Under the Omnibus Diplomatic Security and Antiterrorism Act of 1986, certain diplomatic construction or design projects abroad are limited to United States persons or United States joint venture persons. (This provision only applies to solicitations exceeding \$10,000,000 for diplomatic construction or design, or to diplomatic construction projects abroad that involve technical security.)
- c. DOSAR 652.237-73, *Statement of Qualifications for Preference as a U.S. Person* – This provision requires bidders or offerors to provide information to determine whether they are a United States person or a United States joint venture person. Under the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), United States persons or United States joint venture persons receive a 10 percent price evaluation preference for local guard contracts abroad under diplomatic security programs. (This provision only applies to overseas local guard solicitations.)
- d. DOSAR 652.245-70, *Status of Property Management System* – This provision requests information from offerors regarding their property management systems in order to comply with FAR 45.201(c), which states that the solicitation shall require all offerors to submit a description of the offeror’s property management system, plan, and any customary commercial practices, voluntary consensus standards, or industry-leading practices and standards to be used by the offeror in managing Government property. (This provision only applies to solicitations where the Government provides, or the contractor acquires, highway motor vehicles or aircraft, software exceeding \$500,000, or personal property exceeding \$25,000.)

#### Post-award

The DOSAR includes the following contract clauses that require data from offerors, as applicable:

- a. DOSAR 652.232-72, *Limitation of Funds* – This clause requires contractors to notify the U.S. Government when they believe that the funds obligated on the contract are insufficient to cover the work to be performed by a certain date. (This clause only applies to incrementally funded fixed-price, labor hour, or time-and-materials contracts for severable services.)
- b. DOSAR 652.245-71, *Special Reports of Government Property* – This clause implements requirements of FAR clause 52.245-1 by requiring contractors to submit quarterly reports regarding the status and location of Government property in accordance with the Department of State capitalized property reporting requirements. (This clause only applies to contracts where the Government provides, or the contractor acquires, highway motor vehicles or aircraft, software exceeding \$500,000, or personal property exceeding \$25,000.)

2. *What business purpose is the information gathered going to be used for?*

Pre-award information is obtained for use by agency personnel (e.g., contracting officers, cost and price analysts, program office technical experts, and management officials) to determine the eligibility of bidders/offerors for award.

Post-award information is obtained to ensure that contracts contain sufficient funding, that information technology security requirements are met, and that accountability of Government property is maintained.

3. *Is this collection able to be completed electronically (e.g. through a website or application)?*

All information obtained pursuant to this collection is able to be submitted electronically.

4. *Does this collection duplicate any other collection of information?*

This collection does not duplicate any existing collection of information. Only information that is contract-specific and required by the DOSAR in order to meet the requirements of other Acts and regulations is collected.

5. *Describe any impacts on small business.*

The impact on small businesses was considered, and all of the information in this collection has been vetted through the formal rulemaking process, whereby any small businesses were afforded the opportunity to comment. Due to the nature of the requirements and their already limited applications, there is no opportunity to further reduce at this time.

6. *What are consequences if this collection is not done?*

Pre-award information is collected to determine eligibility for award. This must be determined for all offerors for each solicitation. Most of this information is required as a result of solicitations or invitations for bid required the FAR, and requirements to determine eligibility cannot otherwise be met. The DOSAR provisions listed herein are only required when applicable to certain acquisitions, as detailed above. If the pre-award information collection could not be done, the Department would be unable to appropriately determine if a bidder or offeror was an American-owned firm eligible to receive an evaluation preference; was a United States person or United States joint venture person, which is a requirement for certain awards; or had an acceptable property management system as required to maintain accountability of Government property. Due to the nature of this information, its necessity to the pre-award process, and its already limited use, collection cannot be reduced or eliminated.

Post-award information is collected on a very limited basis (i.e., two specific instances) to ensure contractor compliance and ability to continue performance. Like pre-award information, it is only required when applicable to certain acquisitions, as detailed above. If post-award information collection could not be done, the Department would have no advance notice of contracts that do not contain sufficient funding, which could put the mission at risk; and have no visibility or accountability of Government property in the hands of contractors. Due to the nature of this information, its necessity to post-award compliance, visibility, and function, and its already limited use, collection cannot be reduced or eliminated.

7. *Are there any special collection circumstances?*

There are no special collection circumstances.

8. *Document publication (or intent to publish) a request for public comments in the Federal Register*

The Department published a notice in the Federal Register soliciting public comments for a period of 60 days. This notice was published on October 6, 2022, and no comments were received.

9. *Are payments or gifts given to the respondents?*

No payments or gifts are given to the respondents.

10. *Describe assurances of privacy/confidentiality*

The information will be maintained and kept private/confidential pursuant to the requirements of 41 U.S.C Chapter 21, Restrictions on Obtaining and Disclosing Certain Information, FAR 3.104, Procurement Integrity, and FAR 15.207, Handling of Proposals and Information.

11. *Are any questions of a sensitive nature asked?*

There are no questions of a sensitive nature asked.

12. *Describe the hour time burden and the hour cost burden on the respondent needed to complete this collection*

The estimated total aggregate burden to respondents is 253,416 hours. The number of estimated respondents is 2,897. The number of estimated responses is 3,095. The average time per response is approximately 82 hours (253,416/3,095).<sup>1</sup> The estimated annual labor cost burden is \$16,177,013.<sup>2</sup> The estimated weighted wage rate is \$63.84.<sup>3</sup>

13. *Describe the monetary burden to respondents (out of pocket costs) needed to complete this collection.*

The estimated annual non-labor cost burden to respondents is \$485,310.<sup>4</sup> The total monetary burden is \$16,662,323 (\$16,177,013 + \$485,310).

14. *Describe the cost incurred by the Federal Government to complete this collection.*

The estimated annual cost to the Federal Government is \$564,590. This represents a decrease of \$304,733 from the previous report. This decrease is due to calculation methodology, primarily concerning other solicitation response efforts, where on the past report, the calculation figures used for this category did not reflect the same number of responses identified for this category. The calculations herein utilize a one-for-one match between the

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<sup>1</sup> In keeping with previous reporting and methodology, this number reflects the average time per response including general solicitation response efforts. The average time per response for just the DOSAR provisions and clauses listed herein is approximately 3.7 hours (3,216 burden hours/870 total estimated annual responses).

<sup>2</sup> This is an increase from the previous submission, due solely to an increase in the average labor rates.

<sup>3</sup> See Appendix section 3 for calculation and methodology.

<sup>4</sup> Multiplication of aggregate burden hours x estimated hourly cost x non-labor percentage (253,416\*\$63.84\*0.03 = \$485,310).

estimated total responses per each action and the number of responses used to calculate the Government’s burden. These calculations are reflected in Appendix section 4.

*15. Explain any changes/adjustments to this collection since the previous submission*

This collection resulted in a net decrease of 348 hours since the previous submission. A breakdown of the changes is as follows:

<b>Pre-Award</b>	<b>Reason for Deletion/Revision</b>	<b>Original</b>	<b>Current</b>	<b>Change</b>
652.236-71	This estimate was reduced to a decrease in the estimated number of annual solicitations containing this provision.	550	352	-198
652.236-72	This estimate was reduced to a decrease in the estimated number annual solicitations containing this provision.	2,624	2,400	-224
652.237-73	This estimate was increased due to an increase in the estimated burden hours per response. <sup>5</sup>	32	84	52
652.245-70	This estimate was increased due to an increase in the estimated number of annual solicitations containing this provision.	14	66	52
Other solicitation response efforts	This estimate was decreased due to a change in the estimated mix of RFPs and IFBs.	250,394	250,200	-194
<b>Post-Award</b>	<b>Reason for Deletion/Revision</b>	<b>Original</b>	<b>Current</b>	<b>Change</b>
652.232-72	No change	50	50	0
652.245-71	This estimate was increased due to an increase in the estimated number of annual awards containing this clause.	100	264	164
<b>Total</b>	<b>Reason for Deletion/Revision</b>	<b>Original</b>	<b>Current</b>	<b>Change</b>
<b>Pre-Award and Post-Award</b>	This estimate was decreased due to an overall net decrease for the reasons described above.	253,764	253,416	-348

*16. Specify if the data gathered by this collection will be published.*

<sup>5</sup> See Appendix section 1 for details.

The data gathered by this collection will not be published.

*17.If applicable, explain the reason(s) for seeking approval to not display the OMB expiration date.*

The Department will display the OMB expiration date.

*18.Explain any exceptions to the OMB certification statement..*

The Department is not seeking exceptions to the certification statement.

## **B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

### **APPENDIX**

The following annualized analysis is provided in support of Items 12 and 13:

#### **ANNUALIZED ANALYSIS (Items 12, 13 and 14)**

##### **Estimated Total Burden Costs and Hours to Respondents, Pre and Post-Award**

Cost Burden = \$485,310

Hour Burden = 253,416

The annualized cost for the total number of respondents is estimated to be \$485,310. This estimated figure represents non-labor costs associated with producing the materials, mailing or delivery costs, storage costs, travel (if required), fee-based services for access to amendments and updates, etc. These non-labor costs are estimated to be 3% of total labor costs (\$16,177,013\*0.03 = \$485,310). Total labor costs were calculated by multiplying the total hour burden by the hourly cost burden (253,416\*\$63.84).<sup>6</sup>

The Department utilized data from its contract writing system and the Federal Procurement Data System (FPDS) to determine how many solicitations and contracts contained the applicable clauses and provisions over the past five full fiscal years (fiscal years 17-21), as well as how many offerors and awardees there were for each action containing an applicable provision and/or clause. In order to account for fluctuation that may occur for certain types of actions over a period of time, the Department then utilized the average to estimate the number of annual responses. The Department then used this data to determine the annualized averages used for the calculations below.

The burdens are broken down as follows:

#### **1. Pre-Award Hours**

For provisions, the Department utilized the annual average for its estimates, as provisions are one-time requirements per offeror per solicitation and would not require any continued reporting requirements outside of the instance in which they are imposed. For that reason, these annual averages were used as the “Estimated Annual Respondents” and

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<sup>6</sup> Hourly cost burden is discussed in Appendix section 3.

“Estimated Annual Responses” in the table below. In the event the average resulted in an uneven number, all numbers were rounded up to the nearest whole number.

<b>Pre-Award</b>	<b>Estimated Annual Respondents</b>	<b>Estimated Annual Responses</b>
652.236-71	176	176
652.236-72	300	300
652.237-73	14	14
652.245-70	66	66
Other solicitation response efforts <sup>7</sup>	2,225	2,225
<b>Total</b>	<b>2,781</b>	<b>2,781</b>

In keeping with previous burden hours established for these provisions, the Department applied the following estimated hourly burdens per each response, for a total annual estimate of 253,102 burden hours for pre-award:

<b>Pre-Award</b>	<b>Estimated Annual Responses</b>	<b>Estimated Burden Hour per Response</b>	<b>Total Estimated Annual Burden Hours</b>
652.236-71	176	2	352
652.236-72	300	8	2,400
652.237-73 <sup>8</sup>	14	6	84
652.245-70	66	1	66
Other solicitation response efforts	2,225	<sup>9</sup>	250,200
<b>Total</b>	<b>2,781</b>		<b>253,102</b>

As identified based on the data and methodology provided above:

**Total Estimated Annual Burden Hours for Pre-Award: 253,102**

## 2. Post-Award Hours

For clauses, the Department utilized the annual average times the number of annual reporting periods for its estimates, as some clauses require more than one report per year.

<sup>7</sup> As noted in section A.1., other solicitation response efforts have historically been included in this information collection and include burden hours to read and discuss the solicitation, research the requirement, develop the project team, and prepare and respond to the solicitation. The Department calculates this by breaking out estimates for each of the aforementioned categories and then applying the estimates to requests for proposals (RFPs) and invitations for bids (IFBs). This covers pre-award activities required by the FAR that are associated with other information that may have to be gathered for proposal preparation but that is not associated with a specific clause or provision or identified herein. This number was calculated based on an annual estimate of 2,075 responses for RFPs and 150 responses for IFBs, for a total of 2,225 responses and respondents.

<sup>8</sup> The previous report utilized 0.5 burden hours per response for solicitation provision 652.237-73; however, this provision is closer in information collection requirements to those of provision 652.236-72, which applies a burden of 8 hours. Because the burden associated with 652.237-73 is similar to, but slightly than, 652.236-72, the Department has applied a burden of six hours per response to this provision.

<sup>9</sup> See Appendix section 4 for calculation.

For that reason, these annual averages were used as the “Estimated Annual Respondents” and annual averages times the number of annual reporting periods were used for the “Estimated Annual Responses” in the table below. In the event the average resulted in an uneven number, all numbers were rounded up to the nearest whole number.

<b>Post-Award</b>	<b>Estimated Annual Respondents</b>	<b>Responses per Year</b>	<b>Estimated Annual Responses</b>
652.232-72	50	1	50
652.245-71	66	4	264
<b>Total</b>	<b>116</b>		<b>314</b>

In keeping with previous burden hours established for these clauses, the Department applied the following estimated hourly burdens per each response, for a total annual estimate of 314 burden hours for post-award reporting requirements associated with the clauses herein:

<b>Post-Award</b>	<b>Estimated Annual Responses</b>	<b>Estimated Burden Hour per Response</b>	<b>Total Estimated Annual Burden Hours</b>
652.232-72	50	1	50
652.245-71	264	1	264
<b>Total</b>			<b>314</b>

**Total Estimated Annual Burden Hours for Post-Award: 314**

3. Rates

**Hourly Cost Burden (used in sections 12 and 13)**

The hourly burden is calculated by using the most recently available Bureau of Labor Statistics (BLS) wages for occupation code 11-0000 (management occupations – hourly average of \$59.31) and 13-000 (business and financial operations occupations – hourly average of \$39.72). In keeping with standard methodology utilized by the Department, these calculations utilize 30% of the 11-0000 wage plus 70% of the 13-0000 wage times a 1.4 multiplier, as follows, to establish the average hourly rate:<sup>10</sup>

$$(\$59.31 \times 0.3) + (39.72 \times 0.7) = \$45.60$$

$$\$45.60 \times 1.4 = \$63.84 \text{ (wage rate)}$$

**Estimated Average Non-Labor Cost Factor (used in section 13)**

3%

4. Other Calculations

**Total Estimated Annual Burden Hours (used in section 12)**

<sup>10</sup> The 1.4 times multiplier is the standard used by the Department to account for multiple contract types, small and large businesses, and numerous fringe, overhead and profit rates.



Total Estimated Annual Burden Hours Pre-Award + Post-Award

$$253,102 + 314 = 253,416$$

**Estimated Total Annual Labor Cost Burden (used in section 12)**

Wage Rate\*Total Burden Hours

$$\$63.84 * 253,416 = \$16,177,013$$

**Estimated Total Annual Non-Labor Cost Burden (used in section 13)**

Estimated Average Non-Labor Cost Factor\*Estimated Total Annual Labor Cost Burden

$$0.03 * \$16,177,013 = \$485,310$$

**Total Monetary Burden (used in section 13)**

Estimated Total Annual Labor Cost Burden + Non-Labor Cost Burden

$$\$16,177,013 + \$485,310 = \$16,662,323$$

**Other Solicitation Response Efforts (used in section 15)**

The Department utilized the following hour estimates per action and type:

Action	Hours per RFP	Hours per IFB
Read and discuss solicitation	16	1
Research the requirement	24	2
Develop project team	20	3
Prepare and respond	60	2
<b>Total per Type</b>	<b>120</b>	<b>8</b>

The total hours were then applied to the estimated number responses of each type, resulting in the following calculations:

Action	Estimated Annual Responses	Estimated Burden Hour per Response	Total Estimated Annual Burden Hours
RFP Response	2,075	120	249,000
IFB Response	150	8	1,200
<b>Total</b>	<b>2,225</b>		<b>250,200</b>

5. Estimated Total Costs to Government (used in Section 14)

Consistent with previous methodology, the Department used the estimated employee types and estimated hours per response listed in the table below to calculate the estimated total costs to the Government. For estimated hourly wages, the Department utilized the midpoint of the grade (step 5) from the Office of Personnel Management (OPM) pay scales for 2021. In continuing with previous methodology, this hourly rate was then increased by 36.25% to account for overhead, fringe benefits, burden etc. The calculations are as follows:

$$GS\ 11,\ Step\ 5\ in\ Washington,\ D.C. = \$39.51 * 1.3625 = \$53.83$$

GS 12, Step 5 in Washington, D.C. = \$47.35\*1.3625 = \$64.51

GS 13, Step 5 in Washington, D.C. = \$56.13\*1.3625 = \$76.72

These rates were then multiplied by the estimated number of employee hours expended per response, as reflected below.

This resulted in an estimated cost burden to the Government of \$564,590.

Action	Estimated Employee Type	Responses <sup>11</sup>	Hours per Response	Total Hours	Est. Hourly Wage	Est. Cost
652.236-71	GS-12 Project Officer	176	1	176	\$64.51	\$11,354
652.236-72	GS-12 Project Officer	300	1	300	\$64.51	\$19,353
652.237-73	GS-11 Contract Specialist GS-13 Contracting Officer	14	1	14	\$53.83	\$754
			0.5	1	\$76.72	\$77
652.245-70	GS-11 Contract Specialist GS-13 Contracting Officer	66	2	132	\$53.83	\$7,106
			0.5	19	\$76.72	\$1,458
Proposal Review	GS-11 Contract Specialist	2,225	3	6,675	\$53.83	\$359,315
	GS-12 Project Officer		1	2,225	\$64.51	\$143,535
652.232-72	GS-11 Contract Specialist GS-13 Contracting Officer	50	1	50	\$53.83	\$2,692
			0.5	25	\$76.72	\$1,918
652.245-71	GS-12 Project Officer	264	1	264	\$64.51	\$17,031
<b>Total</b>				<b>9,881</b>		<b>\$564,590</b>

<sup>11</sup> Numbers of responses reflect the total number of estimated annual responses identified in Appendix sections 1 and 2 above.