

**SUPPORTING STATEMENT  
FOR PAPERWORK REDUCTION ACT SUBMISSION  
OMB CONTROL NO. 9000-0029  
Extraordinary Contractual Action Requests**

**FAR sections affected: 50.103-3, 50.103-4, 50.104-3 and 52.250-1**

**A. Justification.**

**1. Administrative requirements.**

This justification supports an extension of OMB Control No. 9000-0029. This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 50.103-3, Contract Adjustment. FAR 50.103-3 specifies the minimum information that a contractor must include when seeking a contract adjustment that would facilitate the national defense, as set forth in Pub. L. 85-804. The request, normally a letter, shall state as a minimum -

(1) The precise adjustment requested;

(2) The essential facts, summarized chronologically in narrative form;

(3) The contractor's conclusions based on these facts, showing, in terms of the considerations set forth in FAR 50.103-1 and 50.103-2, when the contractor considers itself entitled to the adjustment; and

(4) Whether or not -

(i) All obligations under the contracts involved have been discharged;

(ii) Final payment under the contracts involved has been made;

(iii) Any proceeds from the request will be subject to assignment or other transfer, and to whom; and

(iv) The contractor has sought the same, or a similar or related, adjustment from the Government Accountability Office or any other part of the Government, or anticipates doing so.

If the request exceeds the simplified acquisition threshold, the contractor must certify that the request is made in good faith and the data are accurate and complete.

FAR 50.103-4, Facts and Evidence. FAR 50.103-4 sets forth additional information that the contracting officer or other agency official may request from the contractor to support any request made under FAR 50.103-3.

FAR 50.104-3 Special Procedures for Unusually Hazardous or Nuclear Risks. FAR 50.104-3 provides the information a contractor shall submit to the contracting officer when requesting the inclusion of the indemnification clause for unusually hazardous or nuclear risks at FAR 52.250-1.

FAR 52.250-1, Indemnification Under Public Law 85-804. This clause allows contractors to be indemnified against unusually hazardous or nuclear risks. Paragraph (g) requires the contractor to promptly notify the contracting officer and furnish pertinent information for any claim or loss that may involve indemnification under the clause.

**2. Uses of information.** This information is used by the Government to determine if relief can be granted to the contractor and to determine the appropriate type and amount of relief.

**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.

**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. This information is collected when the contractor:

1. Requests a contract adjustment;
2. Provides the government with additional information to support a contract adjustment;
3. Requests inclusion of the clause 52.250-1 Indemnification Under Public Law 85-804; and
4. Reports any claim, loss, or damage covered by the clause.

**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 43037, on July 19, 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 information collection clearance was based on data reported by the Department of Defense for fiscal year (FY) 2015. The data used for this renewal and the previous two renewals was based on FY 2013 National Defense Authorization Act (NDAA) reporting requirements that recurred annually until FY 2016, and is no longer available. Additionally, the FY 2015 data was available only from a manual data pull, which required a significant administrative burden from DoD components to obtain. Currently, there are no other known sources of data related to this information collection renewal. Since there have been no program changes since the previous clearances, FY 2015 data was utilized for this renewal.

	FAR 50.103-3 & 50.103-4	FAR 50.104-3	FAR 52.250-1	Total
Estimated number of respondents/yr	10	18	10***	28
Responses per respondent	<u>X 1</u>	<u>X 8</u>	<u>X 1</u>	<u>X 5.9</u>
Total annual responses	10	144	10	165*
Estimated hrs/response	<u>X 24</u>	<u>X 40</u>	<u>X 80</u>	<u>X 41.5*</u>
Estimated annual burden hours	240	5,760	800	6,848
Hourly rate**	<u>X \$83</u>	<u>X \$83</u>	<u>X \$83</u>	<u>X \$83</u>
Estimated annual cost to the public	\$19,920	\$478,080	\$66,400	\$568,384

\* The total annual responses (165) is based on the total estimated number of respondents (28) multiplied by the weighted average for the estimated hours per response (41.5 = 6,848/165) and rounded to the nearest whole number.

\*\* Based on the Office of Personnel Management (OPM) 2022 General Schedule (GS) 14/step 5 salary for the rest of the United States (\$60.56 per hour) plus a 36.25 percent fringe factor, rounded to

the nearest whole dollar (\$83). The fringe factor used is pursuant to the rate provided in OMB memorandum M-08-13 for use in public-private competition.

\*\*\* This is a subset of the 18 respondents at FAR 52.104-3, and therefore not counted separately when calculating the estimated number of respondents per year.

**14. Estimated cost to the Government.**

Time required for Governmentwide review is estimated at 23.9 hours per response.

	FAR 50.103-3 & 50.103-4	FAR 50.104-3	FAR 52.250-1	Total
Total annual responses	10	144	10	164
Review time per response (hours)	24	20	80	23.9
Review time per year (hours)	240	2,880	800	3,920
Hourly rate**	<u>X</u> \$83	<u>X</u> \$83	<u>X</u> \$83	<u>X</u> \$83
Estimated annual cost to the Government	\$19,920	\$239,040	\$66,400	\$325,360

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

There were no program changes. The FAR requirements remain the same. The total number of annual responses and the annual burden is adjusted as follows:

OMB Control # 9000-0029	2019 Estimate	2022 Estimate	Change in Burden
Number of respondents	28	28	0
Total annual responses	165	165	0
Total burden hours	6,848	6848	0
Total annual cost to public	\$373,890	\$568,384	+\$194,494

The total annual cost increased because (1) rates were calculated using the OPM Payscale for the current year, 2022; and (2) the GS grade-level that was used to estimate the cost was changed from GS-12, Step 5 to GS-14, Step 5. This adjustment better reflects the level of experience and pay-grade expected to review and prepare information related to extraordinary contract actions and unusually hazardous or nuclear risk.

**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.