

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
OMB Control Number 9000-0205
Implementation of Federal Acquisition Supply Chain Security Act
(FASCSA) Orders**

FAR sections affected: 52.204-29, 52.204-30

A. Justification

1. Circumstances that make the collection of information necessary. This justification supports a new information collection. This information collection is needed for the implementation of Federal Acquisition Supply Chain Security Act (FASCSA) orders issued under the authority of the Federal Acquisition Supply Chain Security Act of 2018 (title II, Pub. L. 115-390) and a final rule issued by the Federal Acquisition Supply Chain Council (FASC) at 41 CFR 201-1.

The Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA) provided notification of the applicability of the Paperwork Reduction Act. Agency and public comments were solicited through an interim rule under FAR Case 2020-011, Implementation of FASCSA Orders. This clearance covers the information that offerors/contractors must submit to comply with the following interim Federal Acquisition Regulation (FAR) requirements:

a. FAR 52.204-29, Federal Acquisition Supply Chain Security Act Orders-Representation and Disclosures. This provision prohibits contractors from providing or using as part of the performance of the contract any covered article, or any products or services produced or provided by a source, if the covered article or the source is subject to an applicable FASCSA order identified in the clause at FAR 52.204-30(b)(1). By submitting an offer, offerors are representing compliance with the prohibition. If an offeror cannot represent compliance with the prohibition, then the offeror must disclose the following information in accordance with 52.204-29(e):

- (1) Name of the product or service provided to the Government;
- (2) Name of the covered article or source subject to an FASCSA order;
- (3) If applicable, name of the vendor, including the

Commercial and Government Entity code and unique entity identifier (if known), that supplied the covered article or the product or service to the Offeror;

(4) Brand;

(5) Model number (original equipment manufacturer number, manufacturer part number, or wholesaler number);

(6) Item description;

(7) Reason why the applicable covered article or the product or service is being provided;

b. FAR 52.204-30, Federal Acquisition Supply Chain Security Act Orders-Prohibition. This clause requires contractors to provide a report to the Government within 3 business days if the contractor identifies that the contractor or any-tier subcontractor, delivered or used a covered article or product or service subject to a FASCSA order. The report requires the following information:

(A) Contract number;

(B) Order number(s), if applicable;

(C) Name of the product or service provided to the Government;

(D) Name of the covered article or source subject to a FASCSA order;

(E) If applicable, name of the vendor, including the Commercial and Government Entity code and unique entity identifier (if known), that supplied the covered article or the product or service to the Contractor;

(F) Brand;

(G) Model number (original equipment manufacturer number, manufacturer part number, or wholesaler number);

(H) Item description; and

(I) Any readily available information about mitigation actions undertaken or recommended.

The contractor must also submit additional information within 10 days of submitting the first report identifying any further available information about mitigation actions undertaken or recommended. Additionally, the contractor shall describe the efforts it undertook to prevent submission and any additional efforts to prevent future submission of the covered article or the product or service produced or provided by a source subject to an applicable FASCSA order.

2. Uses of information. Information collected under FAR provision 52.204-29 will be used by the government to determine whether to seek a waiver from a FASCSA order issued under the

authority of the Federal Acquisition Supply Chain Security Act of 2018.

Information collected under the clause at FAR 52.204-30 will consist of reports from contractors who have identified, post-award, that a covered article or product or service produced or provided by a source subject to a FASCSA order was provided or used as part of the performance of the contract to the Government during contract performance.

3. Consideration of information technology. Federal agencies will use information technology to the maximum extent practicable. Where both the Government and contractors/offers are capable of electronic interchange, the contractors/offers may submit this information collection requirement electronically.

4. Describe efforts to identify duplication. There is no duplication of information under this collection. This requirement is 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 the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently. This rule is being implemented as a national security measure to protect Government information and communication technology and Government supply chains. Consequences if collection is not conducted or conducted less frequently could include the compromise of information and communication technology and Government supply chains, release and compromise of Government data, and harm to national security.

7. Special circumstances for collection. Collection does not require any of the special circumstances at 5 CFR 1320.5(d)(2).

8. Summary of the public comments received in response to the publication of the information collection requirement in the Federal Register of the agency's notice. Public comments have not yet been received.

9. Explanation of any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees. There will be no payment or gift to respondents, other than remuneration of contractors.

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. Estimated total annual public hour and cost burden.

For purposes of this analysis, award data from the Federal Procurement Data System (FPDS) for Fiscal Years (FYs) 2019 through 2021 was used. On average per year the Government awards contracts and orders for supplies and services to 94,035 unique contractors.

DoD, GSA, and NASA estimate that FASCSA orders will only impact approximately 50% of contractors or 47,018 (94,035 * 50%) because not all FASCSA orders will apply to every contractor or contract.

Disclosure Burden for 52.204-29:

It is estimated that only a small subset of contractors (10%) or 4,702 (94,035 * 50% * 10%) will submit a written disclosure. It is also estimated that compiling information, preparing the disclosure and sending it to the Government will take an average of 2 hours.

Estimated number of respondents/yr.....	4,702
Responses per respondent.....	<u>x 1</u>
Total annual responses.....	4,702
Estimated hrs/response.....	<u>x 2</u>
Estimated annual burden hours.....	9,404
Hourly rate*.....	<u>x \$124</u>
Estimated annual cost to the public.....	\$1,166,096

Reporting Burden for 52.204-30:

It is estimated that only a small subset of contractors (3%) or 1,411 (94,035 * 50% * 3%) will submit a written report annually. It is also estimated that compiling information, preparing the

report and sending it to the Government will take an average of 2 hours

Estimated number of respondents/yr.....	1,411
Responses per respondent.....	<u>x 1</u>
Total annual responses.....	1,411
Estimated hrs/response.....	<u>x 2</u>
Estimated annual burden hours.....	2,822
Hourly rate*.....	<u>x \$124</u>
Estimated annual cost to the public.....	\$349,928

* The hourly rate is based on the average of the mean wages reported by the Bureau of Labor Statistics (BLS) of a computer and information systems manager which is \$78.33 per hour. A fringe factor of 41.84% based on the BLS Employer Costs for Employee Compensation for Private Industry as of December 2021, and an overhead rate of 12% are applied to the average wage to account for total employee benefits paid for by the employer. This results in a loaded rate of \$124.00 (\$78.33 * 1.4184 * 1.12).

Total Public Burden:

Estimated number of respondents/yr.....	6,113
Responses per respondent.....	<u>x 1</u>
Total annual responses.....	6,113
Estimated hrs/response.....	<u>x 2</u>
Estimated annual burden hours.....	12,226
Hourly rate*.....	<u>x \$124</u>
Estimated annual cost to the public.....	\$1,516,024

13. Capital start-up or operational land maintenance costs.

DoD, GSA, and NASA do not estimate any annual cost burdens other than the burdens described in Items A.12 and A.14.

14. Estimated cost to the Government.

Representation Burden for 52.204-29:

Estimated time required for Government review of the provided disclosure is estimated at 1 hour per response.

Total annual responses.....	4,702
Review Time per response (hours).....	<u>x 1</u>
Review time per year (hours).....	4,702
Hourly rate*.....	<u>x \$78</u>

Estimated annual cost to the Government.....\$366,756

Government for 52.204-30:

Estimated time required for Government review of the provided report is estimated at 1 hour per response:

Total annual responses.....	1,411
Review Time per response (hours).....	<u>x 1</u>
Review time per year (hours).....	1,411
Hourly rate*.....	<u>x \$78</u>
Estimated annual cost to the Government.....	\$110,058

* The hourly rate is based on the equivalent of a FY 2022 GS-13, Step 5, of \$51.25, with locality pay for the Rest of the U.S., plus overhead of 12 percent, and fringe benefits of 36.25 percent based on OMB Memo M-08-13, for a total of \$78.

Total Government Burden:

Total annual responses.....	6,113
Review Time per response (hours).....	<u>x 1</u>
Review time per year (hours).....	6,113
Hourly rate*.....	<u>x \$78</u>
Estimated annual cost to the Government.....	\$476,814

15. Explain reasons for program changes or adjustment reported in Item A.13 or A.14. This is a new information collection requirement.

16. Outline plans for published results of information collection. Results will not be tabulated or published.

17. Approval not to display expiration date. DoD, GSA and NASA are not seeking such approval.

18. Explanation of exception to certification statement. There are no exceptions to the certification accompanying this Paperwork Reduction Act submission.

B. Collections of Information Employing Statistical Methods. Statistical methods are not used in this information collection.