

**Federal Acquisition Regulation (FAR)
Presolicitation Notice and Response
OMB Control No. 9000-0037
Justification - Part A Supporting Statement**

FAR section affected: 14.205; 15.201(c); and 36.213-2

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 System for Award Management (SAM) data available, and the calendar year 2023 OPM 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 14.205. For sealed bidding, presolicitation notices briefly describe requirements and provide other essential information to enable potential bidders to determine whether they have an interest in the invitation and if appropriate, respond by communicating their interest in receiving the invitation for bid.
- FAR 15.201(c). For contracting by negotiation, presolicitation notices provide a means of early exchanges of information about future acquisitions between Government and industry, to which potential offerors may respond with feedback concerning acquisition strategy, terms and conditions, and any other concerns or questions.
- FAR 36.213-2. For construction contracts, presolicitation notices are required for construction requirements in excess of the simplified acquisition threshold to communicate essential information on the requirements, to which potential bidders may respond by communicating their interest in receiving the invitation for bid.

Presolicitation notices are used by the Government to inform, and, where specified, solicit a response from potential offerors or bidders. The primary purposes of the notices are to improve small business access to acquisition information and enhance competition by identifying contracting and subcontracting opportunities.

2. Use of the Information. The contracting officer will use the information as follows:
 - For sealed bidding, to include interested bidders in the distribution of the invitations for bids; and
 - For contracting by negotiation, to consider the industry feedback in shaping the acquisition strategy.
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 contractors 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. If the collection is not conducted or is conducted less frequently--
 - For sealed bidding, potential bidders would not be aware of pertinent information on upcoming invitations for bid and would not be able to communicate interest in receiving invitations for bid when issued.
 - For contracting by negotiation, neither Government nor potential offerors would benefit from early exchanges and the industry feedback exchanges provide.
7. Paperwork Reduction Act Guidelines. Collection is consistent with guidelines in 5 CFR 1320.5(d)(2).
8. Consultation and Public Comments.
 - A. A 60-day notice was published in the *Federal Register* at 88 FR 64434, on September 19, 2023. No comments were received.
 - B. A 30-day notice was published in the *Federal Register* at 88 FR 83131, on November 28, 2023.
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.

Based on the historical average of SAM data for fiscal years 2020 through 2022, the Government issues 68,199 notices ("Presolicitation" and "Sources Sought" type of SAM notices) annually. It is estimated that three respondents on average would reply to a notice. Seventy percent of the respondents would be replying to a notice for the first time. Based on this information, the estimated respondents would number 143,218 (70% of (68,199 x 3)).

It is estimated that each respondent on average would reply to three notices per year. Time required to read and prepare information is estimated at 5 minutes per completion.

Estimated number of respondents/yr.....	143,218
Responses per respondent.....	<u>x 3</u>
Total annual responses.....	429,654
Estimated hrs/response.....	<u>x 0.08</u>
Estimated annual burden hours.....	34,372
Hourly rate*.....	<u>x \$56</u>
Estimated annual cost to the public.....	\$1,924,832

* Fully burdened rate includes a 36.25 percent fringe factor (pursuant to the rate provided in OMB memorandum M-08-13 for use in public-private competition), and a 12 percent overhead rate (from A-76 revised supplemental handbook). Based on the Office of Personnel Management (OPM) 2023 General Schedule (GS) 11/step 5 salary for the rest of the United States (\$37.53 per hour) plus the fringe factor and the overhead rate, rounded to the nearest whole dollar (\$56).

13. Estimated nonrecurring costs. Not applicable.

14. Estimated cost to the Government. Time required for Governmentwide review is estimated at 10 minutes per response.

Estimated responses/yr.....	429,654
Reviewing time (hr)/response.....	<u>x .167</u>
Review time /yr.....	71,752
Hourly rate*.....	<u>x \$56</u>
Estimated annual cost to the Government.....	\$4,018,112

15. Reasons for changes. There are no program changes. The FAR requirements remain the same. This extension includes adjustments to the public and Government burden estimates based on the following:

- The estimated number of respondents and responses per year is based on the historical average of SAM data for the three most recent fiscal years (2020 through 2022).
- The estimated cost per hour is based on use of the calendar year 2023 OPM GS wage rate for the rest of the United States.
- The previous extension only accounted for the “Presolicitation” type of notice in SAM. Although it might result in an overestimation of the burden, to better provide coverage for actions under FAR 15.201(c), this extension accounts for two types of notices as they are defined in SAM:
 - *Presolicitation.* This notice type is used to advise suppliers on the scope and purpose of the acquisition and to invite potential offerors to submit information. This allows the Government to advise the offerors about their potential to be viable competitors.
 - *Sources Sought.* This notice type is used for Requests for Information (RFI) and other types of market research. An RFI may be used to obtain price, delivery, other market information, or capabilities for planning purposes.

	2021 Estimate	2023 Estimate	Change in Burden
Number of respondents	59,420	143218	83,798
Total annual responses	178,260	429654	251,394
Total burden hours	14,261	34372	20,111
Total annual cost to public	\$670,267	1924832	\$1,254,565

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.

	SAM Notice Type		
FY	Presolicitation	Sources Sought	
2020	42377	31662	
2021	34963	29375	
2022	35816	30404	
AVG	37719	30480	68199