

## SUPPORTING STATEMENT – PART A

Defense Federal Acquisition Regulation Supplement (DFARS); Part 236, Construction and Architect-Engineer Contracts, and related clauses at 252.236  
OMB Control Number 0704-0255

### Summary of Changes from Previously Approved Collection

- Reduction in burden as a result of using current data for the numbers of contract actions, responses, and current labor rates.

#### 1. Need for the Information Collection

This justification supports a request for extension of the expiration date of the information collection requirements currently approved under OMB Control Number 0704-0255 for solicitation provisions and contract clauses related to DFARS part 236. This supporting statement addresses the following requirements in the Defense Federal Acquisition Regulation Supplement (DFARS), as prescribed in DFARS 236.570, applicable to fixed-price construction contracts:

- a. DFARS 252.236-7000, Modification Proposals—Price Breakdown, requires contractors to submit a price breakdown with any proposal for a contract modification.
- b. DFARS 252.236-7002, Obstruction of Navigable Waterways, requires contractors to notify the contracting officer of obstructions in navigable waterways.
- c. DFARS 252.236-7003, Payment for Mobilization and Preparatory Work, requires contractors to provide supporting documentation when submitting requests for payment for mobilization and preparatory work.
- d. DFARS 252.236-7004, Payment for Mobilization and Demobilization, permits contracting officers to require contractors to furnish cost data justifying the percentage of the cost split between mobilization and demobilization, if the contracting officer believes that the proposed percentages do not bear a reasonable relation to the cost of the work.
- e. DFARS 252.236-7010, Overseas Military Construction—Preference for United States Firms, requires an offeror to specify whether or not it is a United States firm when contract performance is expected to exceed \$1 million and will be in a United States outlying area (as defined in Federal Acquisition Regulation (FAR) part 2) in the Pacific or in a country bordering the Arabian Gulf.
- f. DFARS 252.236-7012, Military Construction on Kwajalein Atoll—Evaluation Preference, requires contractors to identify their status as a U.S. firm, or, on Kwajalein Atoll, status as a Marshallese firm, when contract performance is expected to exceed \$1 million and will be on Kwajalein Atoll.

## 2. Use of the Information

In accordance with DFARS part 236 policies and procedures for contracting for construction and architect-engineer services, Government personnel use the information generated by these requirements as follows:

a. DFARS 252.236-7000: To evaluate contractor requests for modifications.

b. DFARS 252.236-7002: To determine that the contractor has removed all obstructions to navigation.

c. DFARS 252.236-7003 and -7004: To review contractor requests for payment for mobilization and determine reasonableness of the allocation of costs between mobilization and demobilization.

d. DFARS 252.236-7010 and -7012: To determine eligibility for the 20 percent preference in some overseas construction contracts for U.S. or Marshallese firms.

## 3. Use of Information Technology

Information technology is used approximately 100% of the time to reduce burden. Where DoD, prospective offerors/bidders, and contractors are capable of electronic interchange, this information collection requirement may be submitted electronically.

## 4. Non-duplication

As a matter of policy, DoD reviews the FAR to determine if adequate language already exists. This request for information applies solely to DoD and does not duplicate any other requirement. Similar information is not already available to the Government.

## 5. Burden on Small Businesses

The burden applied to small business is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices. The collection of this information is not expected to have a significant impact on a substantial number of small businesses or other small entities. The requirements for information collection are only occasional, as the circumstances dictate.

## 6. Less Frequent Collection

The proposed collection of information will be conducted on an occasional basis when offerors submit bids or when contractors request payment or provide notices regarding navigable waterways. Less frequent collection or no collection of information would impede contracting officers from performing their administrative functions in an effective and efficient manner and would make it impossible to enforce the statutory preference for U.S. firms.

## 7. Paperwork Reduction Act Guidelines

Collection of this information is consistent with the guidelines at 5 CFR 1320.5(d)(2).

## 8. Consultation and Public Comments

### a. Public Notice

i. A 60-day notice for the collection was published in the *Federal Register* on April 29, 2024, at [89 FR 33341](#). One comment was received during the 60-day comment period. It is included below along with DoD's response to the comment.

*Comment:* The respondent requested that DoD prohibit "Indian, Chinese and Israeli applicants from this program due to national security concerns." In addition, the respondent objected to transfers of arms, munitions, and other military equipment to Israel.

*Response:* The comment is outside the scope of this information collection, which concerns information that DoD requests from contractors regarding fixed-price construction contracts to allow DoD to evaluate contractor requests for modification; to determine whether the contractor has removed obstructions to navigation; to determine reasonableness of the allocation of costs; and to determine eligibility for a preference in some overseas construction contracts for U.S. or Marshallese firms. This information collection is not related to the transfer of arms, munitions, and other military equipment.

c. DFARS 252.236-7003 and -7004: To review contractor requests for payment for mobilization and determine reasonableness of the allocation of costs between mobilization and demobilization.

d. DFARS 252.236-7010 and -7012: To determine eligibility for the 20 percent preference in some overseas construction contracts for U.S. or Marshallese firms.

ii. A 30-day notice for this information collection was published in the *Federal Register* on July 29, 2024, at 89 FR 60886.

### b. Consultation

For the purpose of calculating respondent burden, subject matter experts for construction matters within DoD were contacted to obtain current data.

## 9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection, other than remuneration to contractors under their contracts.

## 10. Confidentiality

This information is disclosed only to the extent consistent with prudent business practices and current regulatory, statutory, and Freedom of Information Act requirements. No assurance of confidentiality is provided to respondents. A Privacy Act Statement is not required for this collection because DoD is not requesting individuals to furnish personal information for a system of records. A System of Record Notice (SORN) is not required for this collection because records are not retrievable by personally identifiable information (PII). A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

## 11. Sensitive Questions

No sensitive questions are involved in the information collection.

## 12. Respondent Burden and its Labor Costs

The estimated burdens and labor costs associated with the collections contained in the construction-related requirements in DFARS 252.236 are summarized in the table below. These estimates are based on the data available in the Federal Procurement Data System (FPDS) for DoD contract actions for fiscal year (FY) 2023, the Electronic Data Access (EDA) system, and consultations with DoD personnel. The combined totals are adjusted by rounding upward the total number of responses per respondent and total hours per response, which are then used to calculate the estimated annual responses and total hours. A breakdown of the individual estimates for each DFARS clause or provision are provided paragraphs 12.a. through 12.f.

DFARS 252.236	-7000 (12.a.)	-7002 (12.b.)	-7003 (12.c.)	-7004 (12.d.)	-7010 (12.e.)	-7012 (12.f.)	Total
Number of Respondents	1,410	27	10	10	10	10	1,477
Responses / Respondent	5.38	15	6	8	3.5	1	5.53
Annual Responses	7,579	405	60	80	35	10	8,169
Hours / Response	11.49	3	20	20	1	1	11.157
Total Hours	87,083	1,215	1,200	1,600	35	10	91,143
Hourly Rate	\$54	\$54	\$54	\$54	\$54	\$54	\$54
Total Annual Public Cost	\$4,702,466	\$65,610	\$64,800	\$86,400	\$1,890	\$540	\$4,921,706

a. DFARS 252.236-7000. The following is a summary of the estimated annual public burden for contractors to submit a price breakdown with any proposal for a contract modification:

Estimation of Respondent Burden: 252.236-7000	
Number of respondents	1,410
Number of responses per respondent	5.38
Number of total annual responses	7,579
Hours per response (weighted average)	11.49
Annual respondent burden hours (number of responses multiplied by hours per response)	87,083
Cost per hour (hourly wage)	\$54
Labor burden per response ( <i>Hours per response * hourly wage</i> )	\$620.46
Annual public burden ( <i>Responses * hours per response * hourly wage</i> )	\$4,702,466

According to data available in FPDS for DoD, in FY 2023, there were 10,730 fixed-price contract awards made to 2,051 unique contractors for construction that would have included this clause. Modifications to these contracts to change the contract price would have required submission of a price breakdown pursuant to this clause and resulted in a contract modification supplemental agreement. Of the total fixed-price contract awards, there were 7,579 modifications (responses) made to contracts held by 1,410 unique contractors (respondents). This results in a calculated average of 5.38 responses per respondent. A weighted average of 11.49 hours per response was similarly derived to determine the total estimated burden hours. The weighted average for hours per response was calculated as follows: 5,832 modifications valued at less than \$250,000 were assigned a 1-hour response time; 1,416 modifications valued between \$250,000 and \$2 million were assigned a 20-hour response time; and the approximately 331 actions greater than \$2 million were assigned a response time of 160 hours. The fully burdened rate was developed using the Office of Personnel Management (OPM) 2024 basic hourly salary (for the rest of U.S. locality) of \$39.40 for a General Schedule (GS) 11, step 5, employee, plus a burden of 36.25 percent (per OMB Circular A-76, Attachment C), which equals \$53.68, rounded up to \$54.

b. DFARS 252.236-7002. The following is a summary of the estimated annual public burden for contractors to notify the contracting officer of obstructions in navigable waterways:

Estimation of Respondent Burden Hours: 252.236-7002	
Number of respondents	27
Number of responses per respondent	15
Number of total annual responses	405
Hours per response	3
Annual respondent burden hours (number of responses multiplied by hours per response)	1,215
Cost per hour (hourly wage)	\$54

Labor burden per response ( <i>Hours per response * hourly wage</i> )	\$162
Annual public burden (estimated hours multiplied by cost per hour)	\$65,610

The estimate for fixed-priced construction contracts for work on or near navigable waterways is revised based on consultations with DoD personnel and data from the EDA system. This clause is only used when applicable and would apply to a small percentage of contracts as most construction work is not done within the continental U.S. and not on or near navigable waters. A query of EDA revealed that in FY 2023, there were 274 unique contractors with 3,953 active contracts that contained the clause. Consultation with the three military services revealed that responses and notifications required by this clause occur at a very low rate, approximately 10% of the time. Accordingly, this estimate reflects approximately 10% of the contractors as respondents (27) and 10% of the contracts as responses (395). This equates to 14.62 responses per respondent, rounded up to 15 resulting in 405 estimated responses. DoD subject matter experts estimated three hours to provide a response. The fully burdened rate was developed using the OPM 2024 basic hourly salary (for the rest of U.S. locality) of \$39.40 for a GS 11, step 5, employee, plus a burden of 36.25 percent, which equals \$53.68, rounded up to \$54.

c. DFARS 252.236-7003. The following is a summary of the estimated annual public burden for contractors to provide supporting documentation when submitting requests for payment for mobilization and preparatory work:

Estimation of Respondent Burden Hours: 252.236-7003	
Number of respondents	10
Number of responses per respondent	6
Number of total annual responses	60
Hours per response	20
Annual respondent burden hours (number of responses multiplied by hours per response)	1,200
Cost per hour (hourly wage)	\$54
Labor burden per response ( <i>Hours per response * hourly wage</i> )	\$1,080
Annual public burden (estimated hours multiplied by cost per hour)	\$64,800

This clause is used on an exception basis, requires higher-level approval by the head of the contracting activity, and is for use in major construction contracts that require major or special items of plant and equipment or large stockpiles of material. The estimate is based on consultations with DoD personnel and data from the EDA system for FY 2023. The estimate for this clause is based on 27 unique contractors with 591 active contracts that contain the clause. Consultation with the three military services revealed that responses and notifications required by this clause occur at a very low rate of approximately 10% of the time for contracts that contain this clause. Accordingly, this estimate reflects approximately 10% of the contractors as respondents (2.7) and 10% of the contracts as responses (59). The threshold for application of

the Paperwork Reduction Act is when 10 or more entities are impacted. For purposes of keeping this coverage active for another cycle, an estimate of 10 respondents is used in the calculations. This equates to 5.9 responses per respondent, rounded up to 6 responses per respondent, resulting in 60 responses. DoD subject matter experts estimate 20 hours are required to provide a response. The fully burdened rate was developed using the OPM 2024 basic hourly salary (for the rest of U.S. locality) of \$39.40 for a GS 11, step 5, employee, plus a burden of 36.25 percent, which equals \$53.68, rounded up to \$54.

d. DFARS 252.236-7004. The following is a summary of the estimated annual public burden for contractors to furnish cost data justifying the percentage of the cost split between mobilization and demobilization, if the contracting officer believes that the proposed percentages do not bear a reasonable relation to the cost of the work:

Estimation of Respondent Burden Hours: 252.236-7004	
Number of respondents	10
Number of responses per respondent	8
Number of total annual responses	80
Hours per response	20
Annual respondent burden hours (number of responses multiplied hours per response)	1,600
Cost per hour (hourly wage)	\$54
Labor burden per response ( <i>Hours per response * hourly wage</i> )	\$1,080
Annual public burden (estimated hours multiplied by cost per hour)	\$86,400

This clause is also used on an exception basis, requires higher-level approval by the head of the contracting activity, and is for use in major construction contracts that may require major mobilization expense, or plant equipment and material due to location or nature of the work. The estimate is based on consultations with DoD personnel and data from the EDA system for FY 2023. The estimate for this clause is based on 50 unique contractors with 757 active contracts that contain the clause. Consultation with the three military services revealed that responses and notifications required by this clause occur at a very low rate of approximately 10% of the time for contracts that contain this clause. Accordingly, this estimate reflects approximately 10% of the contractors as respondents (5) and 10% of the contracts as responses (75). The threshold for application of the Paperwork Reduction Act is when 10 or more entities are impacted. For purposes of keeping this coverage active for another cycle, an estimate of 10 respondents is used in the calculations. This equates to 7.5 responses per respondent, rounded up to 8 responses per respondent. DoD subject matter experts estimate 20 hours are required to provide a response. The fully burdened rate was developed using the OPM 2021 basic hourly salary (for the rest of U.S. locality) of \$39.40 for a GS 11, step 5, employee, plus a burden of 36.25 percent, which equals \$53.68, rounded up to \$54.

e. DFARS 252.236-7010. The following is a summary of the estimated annual public burden for offerors to specify whether or not they are a United States firm, when contract performance is expected to exceed \$1 million and will be in a United States outlying area in the Pacific or in a country bordering the Arabian Gulf:

Estimation of Respondent Burden Hours: 252.236-7010	
Number of respondents	10
Number of responses per respondent	3.5
Number of total annual responses	35
Hours per response	1
Annual respondent burden hours (number of responses multiplied hours per response)	35
Cost per hour (hourly wage)	\$54
Labor burden per response ( <i>Hours per response * hourly wage</i> )	\$54
Annual public burden ( <i>Responses * hours per response * hourly wage</i> )	\$1,890

This solicitation provision is used in military construction contracts that exceed \$1 million, when performance will be in a U.S. outlying area in the Pacific or in a country bordering the Arabian Gulf. The estimates are based on FPDS data reflecting new DoD awards of contracts in FY 2023 for the geographic regions denoted in the clause prescription that exceeded \$1 million. The FPDS data reflected that there were 10 unique contractors that received 35 contract actions that exceeded \$1million in the specified geographic regions. This results in an average of 3.5 responses per respondent. DoD subject matter experts estimate that it will take a contractor approximately 1 hour to collect necessary information to check the block in the provision and to provide a response. The fully burdened rate was developed using the OPM 2024 basic hourly salary (for the rest of U.S. locality) of \$39.40 for a GS 11, step 5, employee, plus a burden of 36.25 percent, which equals \$53.68, rounded up to \$54.

f. DFARS 252.236-7012. The following is a summary of the estimated annual public burden for contractors to identify their status as a U.S. firm or, on Kwajalein Atoll, status as a Marshallese firm, when contract performance is expected to exceed \$1 million and will be on Kwajalein Atoll:

Estimation of Respondent Burden Hours: 252.236-7012	
Number of respondents	10
Number of responses per respondent	1
Number of total annual responses	10
Hours per response	1
Annual respondent burden hours (number of responses multiplied	10



hours per response)	
Cost per hour (hourly wage)	\$54
Labor burden per response (hours per response * hourly wage)	\$54
Annual public burden (estimated hours multiplied by cost per hour)	\$540

This solicitation provision is used in military construction contracts that exceed \$1 million, when performance will be on Kwajalein Atoll in the Marshall Islands. FPDS data reflected there were no new awards of contracts in FY 2023 for the geographic region denoted in the clause that exceeded \$1 million. Therefore, an estimate of 10 respondents and 10 responses is used to keep the information collection active, should conditions change in the future that would require construction on Kwajalein Atoll. This results in an average of one response per respondent. A one-hour response time was used for estimating purposes. The fully burdened rate was developed using the OPM 2024 basic hourly salary (for the rest of U.S. locality) of \$39.40 for a GS 11, step 5, employee, plus a burden of 36.25 percent, which equals \$53.68, rounded up to \$54.

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents, other than the labor burden costs addressed in section 12 of this document, to complete this information collection.

14. Cost to the Federal Government

The time required for the Government to review the requirements of the DFARS part 236 clauses and provisions is provided below. The estimates are based on receiving, reviewing, and analyzing the information submitted by the contractor, and were developed as a result of discussions with contract specialists who are familiar with construction contracting. The combined total hours per response is adjusted by rounding upward, which is then used to calculate the total estimated hours. The fully burdened rate of \$54 for an OPM 2024 GS-11, step 5, employee was used to calculate the burden for all clauses and provisions.

a. DFARS 252.236-7000

Estimation of Government Burden: 252.236-7000	
Number of total annual responses (see table at 12.a.)	7,579
Hours per response	4.38
Annual burden hours (number of responses multiplied hours per response)	33,196
Cost per hour (hourly wage)	\$54
Total cost (estimated hours multiplied by cost per hour)	\$1,792,585

b. DFARS 252.236-7002

Estimation of Government Burden: 252.236-7002	
Number of total annual responses (see table at 12.b.)	405
Hours per response	2
Annual burden hours (number of responses multiplied hours per response)	810
Cost per hour (hourly wage)	\$54
Total cost (estimated hours multiplied by cost per hour)	\$43,740

c. DFARS 252.236-7003

Estimation of Government Burden: 252.236-7003	
Number of total annual responses (see table at 12.c.)	60
Hours per response	4
Annual burden hours (number of responses multiplied hours per response)	240
Cost per hour (hourly wage)	\$54
Total cost (estimated hours multiplied by cost per hour)	\$12,960

d. DFARS 252.236-7004

Estimation of Government Burden: 252.236-7004	
Number of total annual responses (see table at 12.d.)	80
Hours per response	4
Annual burden hours (number of responses multiplied hours per response)	320
Cost per hour (hourly wage)	\$54
Total cost (estimated hours multiplied by cost per hour)	\$17,280

e. DFARS 252.236-7010

Estimation of Government Burden: 252.236-7010	
Number of total annual responses (see table at 12.e.)	35
Hours per response	1
Annual burden hours (number of responses multiplied hours per response)	35

response)	
Cost per hour (hourly wage)	\$54
Total cost (estimated hours multiplied by cost per hour)	\$1,890

f. DFARS 252.236-7012

Estimation of Government Burden: 252.236-7012	
Number of total annual responses (see table at 12.f.)	10
Hours per response	1
Annual burden hours (number of responses multiplied hours per response)	10
Cost per hour (hourly wage)	\$54
Total cost (estimated hours multiplied by cost per hour)	\$540

g. Total Government Burden

Estimation of Total Government Burden: OMB Control No. 0704-0255	
Number of total annual responses	8,169
Hours per response	4.15
Annual burden hours	34,611
Cost per hour (hourly wage)	\$54
Total cost	\$1,868,994

15. Reasons for Change in Burden

There is no change to the methodology for collecting the information covered under OMB Control Number 0704-0255. The change in burden is the result of using: (1) actual data from FPDS and EDA for the most recent complete fiscal year (2023); and (2) the current OPM GS hourly labor rates for calendar year 2024 to calculate the cost per hour. The following table summarizes the changes discussed above.

Change in Respondent Burden: 0704-0255			
Totals	2021	2024	Change
Number of respondents	1,691	1,477	-214
Responses per respondent	5	5.53	-
Total annual responses	8,455	8,169	-286
Hours per response	12	11.157	-1
Total hours	101,460	91,143	-10,317
Cost per hour (hourly wage)	\$48	\$54	\$6
Annual public burden	\$4,870,080	\$4,921,706	\$51,626

16. Publication of Results.

The results of this information collection will not be published.

17. Non-Display of OMB Expiration date

DoD does not seek approval to omit the display of the expiration date of the OMB approval of the information collection.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

DoD is not requesting any exemptions to the provisions in 5 CFR 1320.9.