

SUPPORTING STATEMENT - PART A

Marine Corps NAF Enterprise Contract Management System Proposals – 0712-ECMS

1. Need for the Information Collection

Marine Corps Community Services (MCCS) procurement offices obtain supplies, services, and construction activities for MCCS in a fair, equitable, and impartial manner in compliance with applicable laws and regulations pertaining to Nonappropriated Fund (NAF) Instrumentalities. Public information collections are needed to effectively solicit, evaluate, and track MCCS and other Marine Corps NAF purchasing and contracting activities and for the reporting requirements associated with those actions.

Authorities:

10 U.S. Code § 2484(h)(2)(A), “Use of Surcharge for Construction, Repair, Improvement, and Maintenance.” Provides that The Secretary of Defense may authorize a NAFI of the United States to enter a contract for construction of a shopping mall or similar facility for a commissary store and one or more NAFI activities.

10 U.S. Code § 2492, “Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide and obtain goods and services.” Provides that NAFIs may enter into a contract or other agreement with another element of the DoD or with another Federal activities to provide or obtain goods and services.

DoD Instruction 4105.67, “Nonappropriated Fund (NAF) Procurement Policy and Procedure.” Establishes policy, assigns responsibilities, and prescribes procedures for procurements using NAF. Provides that Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement does not apply to NAF procurements.

SECNAV Instruction 7043.5C, “Nonappropriated Fund Procurement Policy.” Implements DoDI 4105.67 and directs DON NAF procurement managers to establish policies, procedures, oversight, and internal control systems to effectively manage the program.

MCO 7010.20, “Marine Corps Community Services Nonappropriated Funds Procurement Policy.” Implements DoD and DON procurement policies and procedures and establishes amplifying guidance for Marine Corps NAF purchasing and contracting operations to include required documentation associated with those activities.

2. Use of the Information

Respondents are contractors/vendors/offerors (hereinafter called “contractors”) who would like to conduct business (such as sell goods or services or perform construction activities) with an MCCS or other Marine Corps NAFIs. They are responding to opportunities to qualify for and receive a contract award by documenting business eligibility requirements; providing quotes, proposals, and contract modifications; and documenting areas of responsibility. The information collected will vary depending on the

type and complexity of the contract. Information will be submitted via FedConnect online services or mailed directly to MCCS, depending on the contract type.

For those contacted from solicitation lists, MCCS NAF procurement personnel reach out to potential contractors via their company contact information (such as email or phone number) for requests to quote and/or request for proposals. In addition, MCCS will post contracting opportunities on an MCCS contracted government acquisition and grant portal, FedConnect, at <https://www.fedconnect.net/FedConnect/Default.htm>, for contractors to find, respond to, and win contracts, in similar manner as federal agencies. Contractors can view public MCCS contract postings on FedConnect without registering. However, contractors who register with FedConnect will have the ability to submit responses directly to MCCS through the site. Contractor registration is free. Step by step directions on how to register and use FedConnect online services is posted at <https://www.fedconnect.net/FedConnect/Help/Default.htm>. Contractors responding directly to MCCS will provide their information via email, mail, phone, or in-person. Contractors responding via FedConnect will communicate via their secure 2-way messaging solution. The Marine Corps does not own FedConnect; the system is used across the Federal government to solicit proposals in response to posted contracting opportunities. We have included a publicly available FedConnect guide along with this information collection request, but in practice, each proposal package will have different requirements based on the nature of the solicitation and the associated contract clauses. These clauses are detailed below.

Other communications include the communications necessary or required during the full lifecycle of the contract (price quote/proposal responses, award determinations, modifications/amendments, and performance and termination activities). Assigned MCCS contracting specialists process the contracting submissions to assess eligibility and determine award in accordance with policy, procedures, and regulations.

The successful effect of the information collection is to effectively and efficiently administer NAF contracting actions, including supporting data for statistical analysis, tracking, and reporting for business optimization and to support regulatory requirements.

Nonappropriated Fund Instrumentalities are not subject to Defense Federal Acquisition Regulation Supplement (DFARS). The information collection requirements for MCCS NAFI solicitations and contract clauses are as follows:

- a. ACNB 0002-A, Fee Schedule – Minimum Guarantee. For use in Revenue-Generating Contracts, especially those that have a minimum revenue requirement. The Offeror provides their fee schedule.
- b. ACNB 0002-F, Fee Schedule – Food Concession. For use in food concession Revenue-Generating Contracts. The Offeror provides their concession fees.
- c. ACNB 0002-H, Fee Schedule – Revenue Generating. For use in Revenue-Generating Contracts. Consider over the minimum guaranteed version (ACNI 0005) for difficult-to-compete, hard-to-fill requirements. The Offeror provides their fees.

- d. ACNB 0002-K, Concessionaire Fee. For use in Short-term concessionaire contracts. The Offeror provides their concession fees.
- e. ACNB 0003, Proposed Labor Rates. The Offeror provides fully burdened labor rates and any proposed incremental increases in the following table with their proposed Labor Categories for this contract.
- f. ACNB 0004, Proposed Level of Effort. The Offeror provides Level of Effort (LOE) for each applicable Labor Category to adequately complete the Job for the referenced CLIN.
- g. ACNC 0014-K, Concession Product List and Price Schedule Clause Database. For use in all solicitations.
- h. ACNF 0045, Hazardous Material Identifications and Material Safety Data. The Offeror lists any hazardous material, as defined in paragraph 1 of this clause, to be delivered under this contract.
- i. ACNI 0054, Prohibition on Covered Telecommunications, Equipment, And Services. Required by Public Law 115.232 (NDAA for Fiscal Year 2019).
- j. ACNK 0001, Business Organization. The Offeror, by checking the applicable box, represents that it operates under the laws of their associated State.
- k. ACNK 0002, Taxpayer Identification. For use in all solicitations.
- l. ACNK 0005, Certification Regarding Responsibility Matters. For use in all solicitations.
- m. ACNK 0007, Certification of Employees Capacity Clause Database. The Contractor provides whether employees are or are not service employees as defined by U.S. Code § 6701(3).
- n. ACNK 0009, Affirmative Action and Equal Opportunity Clause Database. The Contractor states if they have developed affirmative action programs required by the Secretary of Labor (41 CFR 60-1 and 60-2).
- o. ACNK 0011, Certification Regarding Trafficking in Persons Compliance Plan. For use in all solicitations as required by federal laws as implemented by DoD Instruction 2200.01.
- p. ACNK 0012, Buy American Certificate. For use in all UCF Solicitations for supplies. The Offeror certifies that products provided under the contract are domestic end-products except those listed in para. 2.
- q. ACNK 0013, Trade Agreements Certificate. For use in all UCF Solicitations for supplies. The Offer certifies that end-products follow the Trade Agreement Act other than those listed in para 2. The Offer must complete table in para. 2.
- r. ACNK 0014-I, Information Technology Security and Compliance Representations and Certifications. For use in all solicitations that includes cloud-computing requirements involving contractor processing, storing, maintaining, or otherwise using MCCS information or data (e.g., hardware, software, services). The Offeror completes checkboxes regarding if they will use cloud computing services as well as controls required for use of such services.
- s. ACNK 0016, Prohibition on Covered Telecommunications, Equipment, And Services Representation. For use in all solicitations for contracts.

3. Use of Information Technology

Currently, about 48% of responses are submitted electronically due to limited capabilities of the current procurement system, contractor preference, contracting officers' discretion, and the procurement action.

MCCS is in the process of implementing a new NAF Enterprise Contract Management System that will provide an opportunity for more procurement actions to be submitted electronically. MCCS is reviewing current NAF procurement processes and procedures to determine if this new system will provide for an increase in electronic submissions that are currently received as paper copies via mail and shipping services.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

Frequencies of the collections are on occasion and as required.

The consequences of not collecting information on occasion include MCCS not having the information needed to determine if the prospective NAFI contractor is responsible to meet award eligibility. The consequences of not being able to collect information as required is the inability for non-federal entities to contract with MCCS or other Marine Corps NAFIs due to non-compliance with NAF procurement policies, procedures, and reporting requirements.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on Monday, March 18, 2024. The 60-Day FRN citation is 89 FR 19306.

No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on Tuesday, November 19, 2024. The 30-Day FRN citation is 89 FR 91376.

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the Federal Register was conducted for this submission.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

In accordance with DoD 5400.11-R, "Department of Defense Privacy," corporations, partnerships, sole proprietorships, professional groups, businesses, whether incorporated or unincorporated, and other commercial entities are not "individuals" when acting in an entrepreneurial capacity with the Department of Defense.

A Privacy Act Statement is not required.

A System of Record Notice (SORN) is not required for this collection because records are retrieved by identifiers associated with the business, not the individual.

Section 1 of the Privacy Impact Assessment for NAF Enterprise Contract Management System (ECM) is available at <https://www.doncio.navy.mil/exports.aspx?id=19511>.

The records retention and disposition schedules are as follows:

DON Records Schedule 7000-45, "GRS 1.1 010, Financial Transaction Records Related to Procuring Goods and Services, Paying Bills, Collecting Debts, and Accounting,"
TEMPORARY: Destroy 6 years after final payment or cancellation, but longer retention is authorized if required for business use.

DON Records Schedule 4000-61, "GRS 1.1 060, Contract Appeals Case Files," TEMPORARY:
Destroy 1 year after final resolution, but longer retention is authorized if required for business use.

11. Sensitive Questions

Questions asked of a sensitive nature include:

- Personal Financial / Banking Information.

The collection of financial information is one of the factors assessed to determine if the contractor has adequate resources to perform the contract and be otherwise qualified and

eligible to receive an award under applicable laws and regulations, in accordance with DoDI 4105.67.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

1) Collection Instruments

Requests for Proposal Packages (electronic submissions)

- a) Number of Respondents: 408
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 408
- d) Response Time: 2 hours
- e) Respondent Burden Hours: 816 hours

Requests for Proposal Packages (mail/shipping submissions)

- a) Number of Respondents: 441
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 441
- d) Response Time: 2.25 hours
- e) Respondent Burden Hours: 992.25 hours

2) Total Submission Burden

- a) Total Number of Respondents: 849
- b) Total Number of Annual Responses: 849
- c) Total Respondent Burden Hours: 1,808 hours

Part B: LABOR COST OF RESPONDENT BURDEN

1) Collection Instruments

Requests for Proposals (electronic submissions)

- a) Number of Total Annual Responses: 408
- b) Response Time: 2 hours
- c) Respondent Hourly Wage: \$44.23
- d) Labor Burden per Response: \$88.46
- e) Total Labor Burden: \$36,091.68

Requests for Proposals (mail/shipping submissions)

- a) Number of Total Annual Responses: 441
- b) Response Time: 2.25 hours
- c) Respondent Hourly Wage: \$44.23
- d) Labor Burden per Response: \$99.52
- e) Total Labor Burden: \$43,887.22

2) Overall Labor Burden

- a) Total Number of Annual Responses: 849
- b) Total Labor Burden: \$79,979

The Respondent hourly wage was determined by using the U.S. Bureau of Labor Statistics for "Project Management Specialists" on Aug 11, 2023 at <https://www.bls.gov/cps/cpsaat39.htm>.

13. Respondent Costs Other Than Burden Hour Costs

- 1) Cost Categories
 - a) Printing: \$74,974.41 (441 annual respondents provide 3 copies per proposal at \$56.67/copy)
 - b) Postage: \$10,143 (441 annual respondents at \$23/proposal)
- 2) Total Annualized Costs Other Than Labor Costs Addressed in Section 12: \$85,117.41

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

- 1) Collection Instruments
 - Requests for Proposal Packages (includes electronic and mail/shipping submissions)
 - a) Number of Total Annual Responses: 849
 - b) Processing Time per Response: 5 hours
 - c) Hourly Wage of Worker(s) Processing Responses: \$39.54
 - d) Cost to Process Each Response: \$197.70
 - e) Total Cost to Process Responses: \$167,847.30
- 2) Overall Labor Burden to the Federal Government
 - a) Total Number of Annual Responses: 849
 - b) Total Labor Burden: \$167,847.30

The Federal employee hourly wage was determined by using the average NAF 4 salary scale for Prince William County, VA on Aug 11, 2023 at <https://wageandsalary.dcpas.osd.mil/Content/NAF%20Schedules/survey-sch/126/126-040-71-NF.pdf>.

Part B: OPERATIONAL AND MAINTENANCE COSTS

Estimated annual costs are paid by nonappropriated funds.

- 1) Cost Categories
 - a) Equipment: \$0
 - b) Printing: \$0
 - c) Postage: \$0
 - d) Software Purchases: \$5,652

- e) Licensing Costs: \$1,668,230
- f) Other (Professional Services): \$858,802

2) Total Operational and Maintenance Cost: \$2,532,684

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

1) Total Labor Cost to the Federal Government: \$167,847.30

2) Total Operational and Maintenance Costs: \$2,532,684

3) Total Cost to the Federal Government: \$2,700,531

15. Reasons for Change in Burden

This is a new collection with a new associated burden.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.