

SUPPORTING STATEMENT - PART A

**Department of Veterans Affairs Acquisition Regulation (VAAR)
VA Form 6298, Architect-Engineer Fee Proposal and
VA Form 10101, Contractor Production Report
OMB Control No. 2900-0208**

Summary of Change from Previously Approved Collection

- The supporting statement format was updated to the current form and format.
- As reflected in Section 3, VA expanded discussion on the use of electronic submission of information.
- As reflected in Section 7, VA expanded discussion on the Paperwork Reduction Act (PRA) Guidelines.
- As reflected in Section 15, burden hours increased by 6,515 and burden cost increased by \$450,142.
- As reflected in Section 8, VA did not receive any public comments on the 60-Day Federal Register notice.

1. Need for the Information Collection

The Department of Veterans Affairs (VA), Office of Acquisition and Logistics (OAL), Office of Procurement Policy, Systems and Oversight, Procurement Policy and Warrant Management Service is requesting the Office of Management and Budget (OMB) grant an extension of a currently approved information collection, OMB Control Number 2900-0208, concerning VA Forms 6298 and 10101. The format of the supporting statement has been updated, although the substantive content remains the same, except for the major revisions summarized above.

Performance of the VA mission requires the use of contractors. VA Form 6298, Architect-Engineer Fee Proposal, and VA Form 10101, Contractor Production Report, establish VA-unique requirements that supplement the Federal Acquisition Regulation (FAR) part 36 as authorized by 41 U.S.C. 1702 - Chief Acquisition Officers and senior procurement executives, and FAR subpart 1.3 - Agency Acquisition Regulations.

The information collected from the two VA forms described in this section are necessary to ensure that VA contracting officers can determine if the architect-engineer's proposal is appropriate according to the scope and complexity of the individual project, provides an adequate basis for contract negotiation, and can be used to administer the contract once awarded.

Supporting Statement for 2900-0208, Continued

Authorities: 40 U.S.C. 121(c); 44 U.S.C. 3507, Paperwork Reduction Act of 1995; 41 U.S.C. 1702 - Chief Acquisition Officers and senior procurement executives, and 48 CFR Subpart 1.3 - Agency Acquisition Regulations.

2. Use of the Information

VA Form 6298, Architect-Engineer Fee Proposal. The use of this form is mandatory for obtaining the proposal and supporting cost or pricing data from the contractor and its subcontractor(s) for all architect-engineer (A-E) contracts and orders for design services when the total contract value is estimated to be \$50,000 or more. It is also used in obtaining proposals and supporting cost or pricing data for architect engineer services for research study, seismic study, master planning study, construction management, and other related services contracts. This form also includes the certifications of cost and pricing data as well as the cost accounting standards. The contractor utilizes an electronic template of VA Form 6298 during the solicitation stage, and for use submitting data for individual task orders if a contract is awarded. Without this collection of information, VA contracting officers would not be able to determine if the A-E's proposal is complete and appropriate according to the scope and complexity of the individual project and, without the breakdown of costs and fees, would provide no basis for contract negotiation.

VA Form 10101, Contractor Production Report. VA Resident Engineers (R/Es) monitor contractors' work and verify the work progress reported before payment can be made. The requirement for this information is contained in VA Acquisition Regulation (VAAR) clause 852.236-79. VA Form 10101, Contractor Production Report, or other agreed upon format, may be used for this purpose. The R/Es review this report and re-enter this data into the Paragon system, thereby providing a method for the RE to supplement or add a correction summary to the contractor's comments. The Senior R/E then approves the VA daily summary. The data on this form is also reviewed when payment issues arise.

3. Use of Information Technology

VA uses information technology to the maximum extent practicable. Data submitted by offerors/contractors is typically requested to be submitted electronically – usually via email or uploaded into VA provided portal links. This occurs almost 100 percent of the time in almost all instances via requirements stated in each solicitation/contract. However, if needed, offerors/contractors may submit hard copies but that is typically a decision they elect or is governed by the size of submittals. Where offerors/contractors are capable of electronic interchange, the offerors/contractors may submit this information collection requirement electronically. Nothing in the VAAR precludes the use of electronic interchange. Electronic submission has rapidly become the standard in how VA transmits and contractors submit information. VA complies with the policy in FAR 4.502(a) that mandates the Federal Government shall use electronic commerce whenever practicable or cost-effective. Contracting officers may supplement electronic transactions by using other media to meet the requirements of any contract action governed by the FAR (e.g., transmit hard copy of drawings).

Supporting Statement for 2900-0208, Continued

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

Generally, a bidder/offeror/contractor will be required to provide the requisite information from VA Form 6298 as part of a proposal and from VA Form 10101 at regular intervals for awarded contracts. The protection of contractor proprietary, trade secret, or other confidential information and the Government's right to use that data are covered by contract-specific clauses.

Failure to collect the information from the above two VA forms would cause VA to be unable to ensure the contractor provides sufficient labor and materials to accomplish the proposed contract work. This could hinder VA's ability to properly administer the contract and accept work, approve payments, and could potentially result in a claim for non-performance and possibly cause construction delays.

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). More specifically to two requirements – one, the nature and extent of confidentiality, the protection of contractor proprietary, trade secret, or other confidential information and the Government's right to use that data are covered by contract-specific clauses available to all offerors. Secondly, regarding reducing burden on small entities to the extent practicable and appropriate, this information is required by the Government to ensure that the contractor provides sufficient labor and materials to accomplish the contract and for VA to determine if the A-E's proposal is appropriate according to the scope and complexity of the individual project.

It applies equally to all business sizes. VA permits contractors to submit information in their own form and format and use electronic submission, thus reducing burden on small entities to the extent practicable. The capture and maintenance by a contractor of such information is a standard business practice they would routinely retain and gather and that is most suitable to their needs.

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

Supporting Statement for 2900-0208, Continued

A 60-Day Federal Register Notice (FRN) for the collection was published on Wednesday, November 1, 2024. The 60-Day FRN citation is 89 FR 87459. VA did not receive any public comments. A 30-Day FRN for the collection was published on Wednesday, January 15, 2025. The 30-Day FRN citation is 90 FR 4003.

Part B: CONSULTATION

No additional consultation was conducted for this submission apart from publishing the final rule through the Federal Register.

9. Gifts or Payment

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

10. Confidentiality

Data will be kept private to the extent allowed by law. Information provided to VA by a contractor is subject to being requested by third parties under the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552), but business proprietary information is generally exempt from public disclosure under the FOIA.

A Privacy Act Statement is not required for this collection because VA 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.

Contract laws and regulations specify the record retention requirements for construction contract information collections that would be submitted under specific contracts. FAR 4.703, Policy, states the required records retention period based on different contract actions and circumstances, and is applicable for all awarded contracts that are required to report information in VA Forms 6298 and 10101. Certain records are required to be maintained for a longer period in accordance with the FAR.

11. Sensitive Questions

No questions considered sensitive are being asked in this collection, although they may pertain to matters considered business confidential and thus are appropriately protected by the Government.

12. Respondent Burden and its Labor Costs

Supporting Statement for 2900-0208, Continued

Part A: ESTIMATION OF RESPONDENT BURDEN

1) Collection Instrument(s)

VA Form 6298

- a) Number of Respondents: 105
- b) Number of Responses Per Respondent: 5 per each solicitation
- c) Number of Total Annual Responses: 525
- d) Response Time: 240 minutes (4 hours)
- e) Respondent Burden Hours (525×240) \div 60 equals: 2,108 hours

VA Form 10101

- a) Number of Respondents: 539
- b) Number of Responses Per Respondent: 45 per each contract
- c) Number of Total Annual Responses: 24,255
- d) Response Time: 24 minutes (0.4 hour)
- e) Respondent Burden Hours ($24,255 \times 24$) \div 60 equals: 9,702 hours

2) Total Submission Burden (Summation or average based on collection)

- a) Total Number of Respondents: 644
- b) Total Number of Annual Responses: 24,780
- c) Total Respondent Burden Hours: 11,810 hours

Part B: LABOR COST OF RESPONDENT BURDEN

1) Collection Instrument(s)

VA Form 6298

- a) Number of Total Annual Responses: 525
- b) Response Time: 4 hours
- c) Respondent Hourly Wage: \$64.91
- d) Labor Burden per Response: \$259.64
- e) Total Labor Burden: \$136,311

VA Form 10101

- a) Number of Total Annual Responses: 24,255
- b) Response Time: 0.4 hour
- c) Respondent Hourly Wage: \$64.91
- d) Labor Burden per Response: \$25.96
- e) Total Labor Burden: \$629,660

2) Overall Labor Burden

- a) Total Number of Annual Responses: 24,780
- b) Total Labor Burden: \$765,871

The Respondent hourly wage was determined by using the Bureau of Labor Statistics (BLS) website at <https://www.bls.gov/home.htm> and the particular index at https://www.bls.gov/oes/current/oes_nat.htm#17-0000. The BLS gathers

Supporting Statement for 2900-0208, Continued

information on full-time wage and salary workers. According to the latest (May 2023) available BLS data, the mean hourly wage is \$47.64 on BLS wage code – “17-0000 Architecture and Engineering Occupations” plus 36.25% per OMB Memo M-08-13 dated March 11, 2008.

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 collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

1) Collection Instrument(s)

VA Form 6298

- a) Number of Total Annual Responses: 525
- b) Processing Time per Response: 4 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$55.08
- d) Cost to Process Each Response: \$220.31
- e) Total Cost to Process Responses: \$115,663

VA Form 10101

- a) Number of Total Annual Responses: 24,255
- b) Processing Time per Response: 0.4 hour
- c) Hourly Wage of Worker(s) Processing Responses: \$55.08
- d) Cost to Process Each Response: \$22.03
- e) Total Cost to Process Responses: \$534,338

2) Overall Labor Burden to the Federal Government

- c) Total Number of Annual Responses: 24,780
- a) Total Labor Burden: \$650,001

It is estimated that the review and statement will be prepared by a Journeyman Contract Specialist equivalent to a GS-12. Based on a GS-12, step 5 salary, for 2024 – see Salary Table 2024-GS ([SALARY TABLE 2024-GS \(opm.gov\)](#)) plus 36.25% per OMB Memo M-08-13 dated March 11, 2008, the hourly rate is (\$40.42 X 136.25%) \$55.08).

Part B: OPERATIONAL AND MAINTENANCE COSTS

The change does not alter the below operational and maintenance cost calculation as reported previously.

1) Cost Categories

- a) Equipment: \$0
- b) Printing: \$0

Supporting Statement for 2900-0208, Continued

- c) Postage: \$0
 - d) Software Purchases: \$0
 - e) Licensing Costs: \$0
 - f) Other: \$0
- 2) Total Operational and Maintenance Cost: \$0

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

The change does not alter the below total cost as reported previously.

- 1) Total Labor Cost to the Federal Government: \$650,001
- 2) Total Operational and Maintenance Costs: \$0
- 3) Total Cost to the Federal Government: 650,001

15. Reasons for Change in Burden

Public Burden hours increased by 6,515 due to the increased respondents from 335 to 644. Public Burden cost increased by \$450,142 due to increased BLS rate from \$43.41 in 2020 to \$47.64 in 2023 plus the increase in the number of respondents.

16. Publication of Results

The results will not be published.

17. Non-Display of OMB Expiration Date

VA is 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"

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