

**SUPPORTING STATEMENT
HOMELAND SECURITY ACQUISITION REGULATION (HSAR)
SOLICITATION OF PROPOSAL INFORMATION FOR AWARD OF PUBLIC
CONTRACTS
(OMB No. 1600-0005)**

A. JUSTIFICATION.

1. Circumstances Making the Collection of Information Necessary

The Department of Homeland Security (DHS) collects information, when necessary, when inviting firms to submit bids, proposals, and offers for public contracts for supplies and service. Using solicitation methods such as Requests for Proposals (RFP), Requests for Information (RFI), and Broad Agency Announcements (BAA), the Government requests information from prospective offerors such as pricing information, delivery schedule compliance, and evidence that the offeror has the resources (both human and financial) to accomplish requirements. The information collection is necessary for compliance with the Homeland Security Acquisition Regulation (HSAR), 48 CFR Chapter 30, and the Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) programs, 15 U.S.C 638.

The prior information collection request for OMB No. 1600-0005 was approved through May 31, 2025, and included the following:

- 3052.209-70 Prohibition on Contracts with Corporate Expatriates (*Required in all solicitations and contracts*) The offeror must disclose whether it is a foreign incorporated entity that should be treated as an inverted domestic corporation.
- 3052.209-71 Reserve Officer Training Corps and Military Recruiting on Campus (*Required in all solicitations and contracts with institutions of higher education*) Requires that the Contractor represent that it does not now have, and agrees that during performance of the contract that it will not adopt, any policy or practice described in paragraph (b) of the clause.
- 3052.209-72 Organizational Conflict of Interest, paragraphs (c), (d) and (e), (*Required in all solicitations and contracts where a potential organizational conflict of interest exists and mitigation may be possible*) The offeror must disclose whether it is aware of any facts which create any actual or potential organizational conflicts of interest; and, provide information as required by the Government and a mitigation plan relating to the conflict, if applicable.
- 3052.209-74 Limitations on Contractors Acting as Lead System Integrators (*Required in solicitations for the acquisition of a major system when the acquisition strategy envisions the use of a lead system integrator*) The offeror must disclose whether it proposes to perform this contract as a lead system

integrator with system responsibility, and whether it has a direct financial interest in the system that is the subject of the solicitation; and, provide evidence, as needed.

- 3052.209-76 Prohibition on Federal Protective Service (FPS) Guard Services Contracts with Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a *Felony, paragraphs (a) through (g), (Required in all solicitations and contracts for FPS guard services)* The offeror must disclose whether it is owned, operated or controlled by an individual convicted of any felony. A business concern owned, operated or controlled by an individual convicted of any felony may submit an award request to the Government. The request must include information that is considered personally identifiable information, and any additional information the Government deems necessary.
- 3052.215-70 Key Personnel and Facilities *(Required in solicitations and contracts when the selection for award is substantially based on the offeror's possession of special capabilities regarding personnel or facilities)* Before removing or replacing any of the specified individuals or facilities, the offeror must notify the Government, in writing, before the change becomes effective.
- 3052.219-72 Evaluation of Prime Contractor Participation in the DHS Mentor-Protégé Program *(Required in all solicitations containing (HSAR) 48 CFR 3052.219-71, DHS Mentor-Protégé Program and (FAR) 48 CFR 52.219-9 Small Business Subcontracting Plan)* The offeror must provide a signed letter of mentor-protégé agreement, if it wishes to receive credit under the source selection factor.
- 3052.247-70 F.o.b. Origin Information *(Required in solicitations as appropriate)* The offeror must provide information related to the offeror's shipping point.
- Form 700-24, Other Transaction Agreement Solicitation *(Required for the purposes of obtaining proposals in response to other transaction solicitations issued pursuant to 6 U.S.C. § 391, 6 U.S.C. § 596(1), and 49 U.S.C. § 106(l)(6))* The offeror submit an Employer Identification Number, as well as the business' name, address and title. Offerors must also identify the authorized business representative's personal name, and must include a signature.
- Form 700-25, Other Transaction Agreement Solicitation Amendment *(Required for the purposes of modifying other transaction agreement solicitations issued pursuant to 6 U.S.C. § 391, 6 U.S.C. § 596(1), and 49 U.S.C. § 106(l)(6))* The offeror submit an Employer Identification Number, as well as the business' name, address and title. Offerors must also identify the authorized business representative's personal name, and must include a signature.

The DHS Science and Technology (S&T) Directorate issues BAAs soliciting when white papers and proposals from the public. DHS S&T evaluates white papers and proposals received in response to a DHS S&T BAA using the evaluation criteria specified in the BAA through a peer or scientific review process in accordance with FAR 35.016(d). Unclassified white papers and proposals are typically collected via the DHS S&T BAA secure website, while classified white papers and proposals must be submitted via proper classified courier or proper classified mailing procedures as described in the National Industrial Security Program Operating Manual (NSPOM).

Federal agencies with an annual extramural research and development (R&D) budget exceeding \$100 million are required to participate in the SBIR Program. Similarly, Federal agencies with an extramural R&D budget exceeding \$1 billion are required to participate in the STTR Program. Federal agencies who participate in the SBIR and STTR programs must collect information from the public to meet:

- (1) Applicable reporting requirements under 15 U.S.C. 638 (b)(7), (g)(8), (i), (j)(1)(E), (j)(3)(C), (l), (o)(10), and (v);
- (2) The requirement to maintain both a publicly accessible database of SBIR/STTR award information and a government database of SBIR/STTR award information for SBIR and STTR program evaluation under 15 U.S.C. 638 g(10, (k), (o) (9), and (o)(15); and
- (3) Requirements for public outreach under 15 U.S.C. 638 (j)(2)(F), (o)(14), and (s).

DHS is seeking to renew this collection, and revise it to add the burden under a proposed rulemaking, “Homeland Security Acquisition Regulation, Make Personal Protective Equipment in America Act Restrictions on Foreign Acquisition (HSAR Case 2024-003), that implements the Make Personal Protective Equipment (PPE) in America Act. The rulemaking establishes the following provisions:

- 3052.225-7Y Make PPE in America Certificate (*Required in all solicitations involving the acquisition of PPE*) A response to this provision is required only if the offeror is not proposing domestic personal protective equipment. Such response should be rare, because the offeror of such products is unlikely to receive an award, unless no offers for domestic personal protective equipment are received.
- 3052.225-7Z Homeland Procurement Reform Act Certificate – Small Business Requirements (*Required in all solicitations involving the acquisition of PPE*) A response to this provision is required when a small business concern, as such term is described under section 3 of the Small Business Act (15 U.S.C. 632), is supplying or manufacturing a covered item. Such response should be common as the offeror is unlikely to receive an award unless one-

third of the value of covered items under the contract are manufactured or supplied in the United States.

2. Purpose of Use of the Information Collection

The information being collected is used by the Government's contracting officers and other acquisition personnel, including technical and legal staff to (1) determine the adequacy of technical and management approach, experience, responsibility, responsiveness, and expertise of the firms submitting offers; (2) identify members of the public (i.e., small businesses) who qualify for and are interested in participating in the DHS SBIR Program; and (3) provide the DHS SBIR Program Office necessary and sufficient information to determine whether proposals submitted by the public to the DHS SBIR Program meet the criteria for consideration under the program.

Failure to collect this information would adversely affect the quality of products and services DHS receives from contractors. Potentially, contracts would be awarded to firms without sufficient experience and expertise, thereby placing the Department's operations in jeopardy. Defective and inadequate contractor deliverables would adversely affect DHS's fulfillment of the mission requirements in all areas. Additionally, the Department would be unsuccessful in identifying small businesses with research and development (R&D) capabilities, which would adversely affect the mission requirements in this area.

3. Use of Improved Information Technology and Burden Reduction

Many sources of the requested information use automated word processing systems, databases, and web portals to facilitate preparation of material to be submitted and to post and collect information. It is commonplace within many of DHS's Components for submissions to be electronic as a result of implementation of e-Government initiatives. Where both the Department and contractors are capable of electronic interchange, contractors may submit the information collection requirements electronically (i.e. email), unless the solicitation specifically prohibits it. This approach is consistent with section 2.101 of the Federal Acquisition Regulation which permits the use of electronic submissions.

Information technology (i.e., electronic web portal) is used in the collection of information to reduce the data gathering and records management burden. DHS uses a secure website the public can use to propose SBIR research topics and submit proposals in response to SBIR solicitations. In addition, DHS uses a web portal to review RFIs and register to submit a white paper or proposal in response to a specific BAA. The data collection forms standardize the collection of information that is necessary and sufficient for the DHS SBIR Program Office to meet its requirements under 15 U.S.C. 638.

As the information collection is governed by FAR, HSAR and certain procurement statutes, usability testing is limited to ensuring the use of plain language, no duplicate/superfluous collection and electronic submission. DHS found the following: Plain language is used in the applicable clauses and the forms. DHS

encourages DHS Components to require only the minimum post-award contract information essential to proper protection of the Government's interests and compliance with regulation, e.g., contractor performance evaluation. The information collected from the public under this request complements but does not duplicate vendor information available to the Government-wide acquisition community through Integrated Award Environment (IAE) systems, including the System for Award Management (SAM). The SAM is the official U.S. Government system that consolidated the capabilities of the Central Contractor Registration (CCR), the Online Representations and Certifications Application (ORCA), the Excluded Parties List System (EPLS) and the Past Performance Information Retrieval System (PPIRS). To ensure the information collected under this collection isn't duplicative, DHS Office of the Chief Procurement Officer: (1) monitors the acquisition processes and procedures of the various DHS Components; (2) reviews proposed and published changes to the FAR; and (3) provides one location for the final review and approval of all proposed acquisition regulations for DHS. Respondents may submit requested information electronically, through email or facsimile to the specified Government point of contact. Contractors will utilize their own computers to provide the required information to the Government point of contact.

4. Efforts to Identify Duplication and Use of Similar Information

The information collected from the public under these requests complements but does not duplicate vendor information available to the Government wide acquisition community. In addition, through Strategic Sourcing initiatives, DHS Components are encouraged to consolidate their own respective similar transactions for internal administrative economies. The subject information collection is intended to cover information specific to individual DHS contracting requirements (e.g., offerors'/bidders' technical and pricing information, delivery information, not available under existing systems).

5. Impact on Small Business or Other Small Entities

This information collection required by the HSAR and the SBIR and STTR programs may or may not involve small business contractors, depending on the particular transaction. The burden applied to small businesses has been reduced to the least burdensome commensurate with the DHS need for the information. In certain cases, information collection is done via a secure website which is intended to minimize burden for businesses (including small businesses) and other for-profit entities, and not-for-profit institutions. Small businesses and other small entities will be able to enter identifying information and subsequently update rather than resubmit the information via the Internet.

6. Consequences of Collecting the Information Less Frequently

Less frequent incidence of collecting such information as offerors' technical approach, management approach, experience statements, and resumes indicating level of expertise would negatively affect the quality of products and services DHS received from contractors. Potentially, contracts would be awarded to firms without

sufficient experience and expertise, thereby placing the Department's operations in jeopardy.

Additionally, DHS collects information that is both necessary and sufficient to comply with 15 U.S.C. 638 and receive white papers and proposals from the public in response to BAAs. Failure to allow the public to submit information would diminish the ability of the DHS SBIR Program Office to meet its obligation for outreach as required by 15 U.S.C. 638, evaluate white papers and proposals in accordance with the criteria in the BAA and provide the respondents with the results of the evaluation.

7. Special Circumstances Relating to the Guidelines of 5CFR 1320.5

There are no special circumstances that would cause this information collection to be conducted in a manner outside the procedures in the FAR and Public Laws codified in 15 U.S.C. 638.

8. Efforts to Consult Outside the Agency

This information collection is consistent with the guidelines in 5 CFR 1320.5(d). The Notice of Proposed Rulemaking, Homeland Security Acquisition Regulation, Make Personal Protective Equipment in America Act Restrictions on Foreign Acquisition (HSAR Case 2024-003), was published at the federal register on October 1, 2024 (see 89 FR 79851).

9. Explanation of Payments and Gifts to Respondents

There will be no payments or gifts made to respondents for this information collection.

10. Assurance of Confidentiality Provided to Respondents

DHS/ALL/PIA-006 General Contact Lists dated June 15, 2007 covers the basic contact information that must be collected for DHS. Other information collected will typically pertain to the contract itself, and not individuals. All information for this information collection is submitted voluntarily. However, sensitive information (e.g., felony conviction information) may also be collected through this information collection. Due to this sensitivity, and the sensitivities regarding the procurement process as a whole, a new PIA is required to document and identify any potential risks associated with collecting this information.

There is no assurance of confidentiality provided to the respondents.

11. Justification for Sensitive Questions

Not Applicable. Questions posed as a means of obtaining information on offerors' pricing, delivery, technical approach, management approach, experience statements and other information in proposals, quotes, white papers, etc., are of a business rather than a personal or private nature.

12. Estimates of Annualized Burden Hours and Costs

The annualized burden hours and cost to contractors for providing all materials during solicitation is outlined in the below table. The annual estimated burden is **74,041** hours, and the cost is **\$4,311,699.63**.

Table A: Estimated Annualized Burden Hours and Costs

Type of Respondent	Form Number	New Provision	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Contractor	N/A	N/A	6660	3	3.5	69,930	\$57.95	\$4,052,443.50
Contractor	700-24		64	3	14	2,688	\$57.95	\$155,769.60
Contractor	700-25		1,491	1	1	1,491	\$57.95	\$86,403.45
Contractor		3052.225-7Y	.08	2	.25	.04	\$57.95	\$2.32
Contractor		3052.225-7Z	393	3	.25	294.75	\$57.95	\$17,080.76
Totals:			10,717.08	22842		74,014		\$4,311,699.63

A. Burden Estimate for Existing Provisions, Clauses and Forms:

The burden hour estimate for the provisions and clauses below are based upon the contract opportunities DHS reported in Federal Business Opportunities(FBO) ([SAM.gov | Contract Opportunities](https://www.sam.gov)) in fiscal year (FY) 2022; an estimated average of three reports per respondent, and an estimated burden of 3 hours for the development of each response/report. The overall estimated 3.5-hour average is based on the estimated time allotted for preparing and responding to the information requests identified in each provision and clause, keeping in mind that the provisions and clauses that take the longest to respond to are also the most frequently requested.

The burden hour estimate for the forms below are based upon data provided by DHS Contracting Activities other transactions (OT) awards and modification issued in FY 2022; an estimated average of three (3) reports per respondent for OT solicitations (DHS Form 700-24) and one (1) report per respondent for OT modifications (DHS Form 700-25), and an estimated burden of 14 hours for the development of each OT solicitation response/report and one (1) hour for each OT solicitation modification. The overall estimated burden hour averages are based on the estimated time allotted for preparing and responding to the information requests identified in each term and condition.

The average hourly earnings are based upon the U.S. Department of Labor, Bureau of Labor Statistics’ website (www.bls.gov). The wage rate category

selected is for Business and Financial Operations Occupations, May 2022. The rate is estimated to be \$57.95 (\$41.39 x 1.4), which includes the wage rate multiplier.

The hourly estimate per clause is as follows:

1. 3052.209-70 Prohibition on Contracts with Corporate Expatriates (*Required in all solicitations and contracts*)=1
2. 3052.209-71 Reserve Officer Training Corps and Military Recruiting on Campus (*Required in all solicitations and contracts with institutions of higher education*)=1
3. 3052.209-72 Organizational Conflict of Interest, paragraphs (c), (d) and (e), (*Required in all solicitations and contracts where a potential organizational conflict of interest exists and mitigation may be possible*)=6
4. 3052.209-74 Limitations on Contractors Acting as Lead System Integrators (*Required in solicitations for the acquisition of a major system when the acquisition strategy envisions the use of a lead system integrator*)=4
5. 3052.209-76 Prohibition on Federal Protective Service (FPS) Guard Services Contracts with Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a *Felony*, paragraphs (a) through (g) (*Required in in all solicitations and contracts for FPS guard services*)=8
6. 3052.215-70 Key Personnel and Facilities (*Required in solicitations and contracts when the selection for award is substantially based on the offeror's possession of special capabilities regarding personnel or facilities*)=3
7. 3052.219-72 Evaluation of Prime Contractor Participation in the DHS Mentor-Protégé Program (*Required in all solicitations containing (HSAR) 48 CFR 3052.219-71, DHS Mentor-Protégé Program and (FAR)*)=3
8. 3052.247-70 F.o.b. Origin Information (*Required in solicitations as appropriate*)=2

B. Burden Estimate for New Provisions:

The burden hour estimate for the provisions below are based upon FPDS data related to DHS's award of contracts for domestic personal protective equipment. In FY 2022, DHS awarded 8 contracts for domestic personal protective

equipment. This number is not unusual given that DHS awarded a mandatory for use, Departmentwide contract for domestic personal protective equipment in March of 2022. Standalone contracts are awarded only when the domestic personal protective equipment needed is not available under the Departmentwide contract. The hourly estimate for the clause is as follows:

- 3052.225-7Y Make PPE in America Certificate = .25
The estimated number of respondents and responses offering foreign-assembled domestic personal protective equipment is estimated as follows:

8 contracts for domestic personal protective equipment
 $\underline{X 10}$ offers per solicitation
 80 offers
 $\underline{X .002}$ (0.2% of offers of foreign-assembled domestic protective equipment)
 .16 Responses (offers of foreign-assembled domestic protective equipment)
 $\underline{/ 2}$ Average responses per respondent
 .08 Respondents

- 3052.225-7Z Homeland Procurement Reform Act Certificate – Small Business Requirements = .25

The estimated number of respondents and responses supplying or manufacturing a covered item is estimated as follows:

131 contracts for domestic personal protective equipment
 $\underline{X 10}$ offers per solicitation
 1310 offers
 $\underline{X .9}$ 90% of offers identify a small business concern will either manufacture/supply item
 1179 Responses
 $\underline{/ 3}$ Average responses per respondent
 393 Respondents

13. Estimates of annualized capital and start-up costs.

DHS does not require contractors to purchase software to access any specific system. Information submitted requires the use of basic systems such as Microsoft Office suite. For these reasons, DHS believes there will be no costs associated with annualized capital and start-up costs.

14. Annualized Cost to the Federal Government

The annualized cost to the Federal Government for reviewing all materials submitted by respondents during solicitation is outlined in the below table. These reviews are conducted by acquisition personnel including contracting officers and technical and legal staff. The annual estimated cost is \$9,010,568.98.

Table B: Estimated Annualized Hours and Costs to the Federal Government

Type of Respondent	Form Name / Form Number	New Provision or Clause	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Offeror			6660	3	4	79,920	\$78.82	\$6,299,294.40
Offeror	700-24		64	3	4	768	\$78.82	\$60,533.76
Offeror	700-25		1,491	1	4	5,964	\$78.82	\$470,082.48
Offeror		3052.225-7Y	.08	2	2	.32	\$78.82	\$25.22
Offeror		3052.225-7Z	393	3	2	2,358	\$78.82	185,857.56
Totals:								7,015,793.42

A. Burden Estimate for Existing Provisions, Clauses and Forms:

The annual cost estimate is based upon:

- (1) the total estimated annual responses received;
- (2) an estimated combined total of 4 hours for contracting officers and technical and legal staff to review each response/report received for existing clauses;
- (3) Four (4) hour for contracting officers and technical and legal staff to review each response/report received for the forms (an increase of three (3) hours as a result of recommendations from contracting officers conducting the reviews); and
- (4) and the approximate hourly rate for a GS-13, Step 4, federal employee located in the District of Columbia, as provided by OPM.gov for 2022, \$78.82, which includes the wage rate multiplier (\$56.30 X 1.4).

B. Burden Estimate for New Provisions:

The annual cost estimate is based upon:

- (1) the total estimated annual responses received;
- (2) an estimated combined total of 2 hours for contracting officers and technical and legal staff to review each response/report received;
- (3) the approximate hourly rate for a GS-13, Step 4, federal employee located in the District of Columbia, as provided by OPM.gov for 2022 (\$56.30 an hour) plus 36.25% fringe and overhead burden rate, mandated by OMB memorandum M-08-13 for use in public-private competition, rounded to the nearest dollar, or \$66 an hour.

15. Explanation of Program Changes or Adjustments

The burden estimates provided in response to Item 12 above are based upon proposal/solicitation data reported by DHS and its Components, as well as DHS FPDS and FBO data for FY 2022. No program changes occurred; however, the

burden was adjusted to reflect a decrease in the number of respondents within DHS for FY 2022 in the amount of 119,701, for the existing provisions, clauses and forms, and the average hourly wage rate increased. The addition of the new provision increased the total annual burden hours by 294.79 hours.

16. Plans for Tabulation and Publication

DHS does not intend to employ the use of statistics, or publication thereof for this information collection.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

There are no DHS instruments associated with this collection to display the OMB expiration date.

18. Exceptions to the Certification of the Paperwork Reduction Act Submissions

There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods.