

**Federal Acquisition Regulation (FAR)
Claims and Appeals
OMB Control No. 9000-0035
Justification - Part A Supporting Statement**

FAR sections affected: 52.233-1

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 calendar year 2024 Office of Personnel Management (OPM) General Schedule (GS) Salary Table 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 contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 52.233-1, Disputes. This clause requires contractors to submit a claim in writing to the contracting officer for a written decision. For any claim exceeding \$100,000, contractors must provide a certification that (1) the claim is made in good faith; (2) supporting data are accurate and complete; and (3) the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. Contractors may appeal the contracting officer's decision by submitting written appeals to the appropriate officials.

If the contractor refuses the Government's offer to use alternative dispute resolution (ADR), the contractor must inform the contracting officer, in writing, of the contractor's specific reasons for rejecting the offer.

2. Use of the Information. The contracting officer will use the information to decide the disposition of the claim.
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. Collection of information on a basis other than contract-by-contract is not practical. The certification for claims exceeding \$100,000 is required to comply with 41 U.S.C. chapter 71, Contract Disputes.
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 89 FR 70189, on August 29, 2024. No comments were received.
 - B. A 30-day notice was published in the *Federal Register* at 89 FR 87371, on November 1, 2024.
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.

There is no centralized database in the Federal Government that maintains information regarding the number of contract claims submitted to contracting officers. After reviewing the annual reports for Fiscal Year 2023 for the United States Civilian Board of Contract Appeals (CBCA) and the Armed Services Board of Contract Appeals (ASBCA) and querying several agency subject matter experts, it is determined that there is no indication of a substantial change to the number of respondents

or hours required; therefore, the previous estimate is being used.

The burden is calculated as follows:

Estimated respondents/yr.....	4,500
Responses annually.....	<u>x 3</u>
Total annual responses.....	13,500
Estimated hours/response.....	<u>x 1</u>
Estimated total burden hours.....	13,500
Hourly rate*.....	<u>x \$70</u>
Estimated cost to the public.....	\$945,000

* The hourly rate is calculated by applying a 36.25 percent fringe factor and a 12 percent overhead factor to a base hourly rate (\$47.22), and then rounding to the nearest whole dollar (\$70). The base hourly rate is derived from the Office of Personnel Management (OPM) 2024 General Schedule (GS) Locality Pay Table for a GS-12/step 5 salary for the rest of the United States ("Salary Table 2024-RUS"). The fringe factor is derived from OMB memorandum M-08-13. The overhead factor is derived from the OMB Circular No. A-76 Revised Supplemental Handbook.

13. Estimated nonrecurring costs. Not applicable.

14. Estimated cost to the Government. Time required for Governmentwide review is estimated at 3 hours per response.

Total annual responses.....	13,500
Estimated hours/response.....	<u>x 3</u>
Estimated total burden/hours.....	40,500
Hourly rate*.....	<u>x \$70</u>
Estimated cost to Government.....	\$ 2,835,000

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 use of the current (calendar year 2024) OPM GS wage rates for the rest of the United States.

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.