

Federal Acquisition Regulation (FAR)
Certain Federal Acquisition Regulation Part 9 Requirements
OMB Control No. 9000-0198
Justification - Part A Supporting Statement

FAR sections affected: 52.209-1, 52.209-2, 52.209-5 thru 52.209-7, 52.209-9 thru 52.209-13, 52.212-3(h), 52.212-3(n), and 52.212-3(q)

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 data available in the Federal Procurement Data System (FPDS), the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) and the System for Award Management (SAM), and 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 offerors and contractors must submit to comply with the following FAR requirements:

a. FAR 52.209-1, Qualification Requirements. This clause requires offerors to provide with their proposal: their name, the manufacturer's name, source's name, item's name, service identification, and test number (if known) for a proposed product or service that has already been determined to meet the qualification standards. If an offeror, manufacturer, source, product or service has met the qualification requirement but is not yet on a qualified products list, qualified manufacturers list, or qualified bidders list, this clause requires the offeror to submit evidence of qualification prior to award of a contract.

b. FAR 52.209-2, 52.209-10, and 52.212-3(n), Prohibition on Contracting with Inverted Domestic Corporations. FAR provision 52.209-2, Prohibition on Contracting with Inverted Domestic Corporations-Representation, and its equivalent for commercial acquisitions at FAR 52.212-3(n), requires each offeror to

represent whether it is, or is not, an inverted domestic corporation or a subsidiary of an inverted domestic corporation. FAR clause 52.209-10, Prohibition on Contracting with Inverted Domestic Corporations, requires contractors to promptly notify the contracting officer in the event the contractor becomes an inverted domestic corporation or a subsidiary of an inverted domestic corporation during the period of performance of the contract.

c. FAR 52.209-5, 52.209-6, and 52.212-3(h), Debarment, Suspension, and other Responsibility Matters. FAR provision 52.209-5, Certification Regarding Responsibility Matters, and its equivalent for commercial acquisitions at FAR 52.212-3(h), require the disclosure of the following critical information by an offeror to be considered by the contracting officer in making a responsibility determination:

- Whether the offeror or any of its principals have been—
 - Debarred, suspended, proposed for debarment, declared ineligible for contract award;
 - Within a three-year period preceding their offer:
 - Convicted of or had a civil judgment rendered against them or indicted for commission of a fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract, violation of Federal or State antitrust statutes relating to the submission of offers, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property;
 - Notified of any delinquent Federal taxes in an amount that exceeds \$10,000 for which the liability remains unsatisfied;
 - Had one or more contracts terminated for default by any Federal agency; or
 - Are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses identified above.

If the offeror has responded affirmatively to the certifications in the FAR provisions at 52.209-5 or 52.212-3(h), the offeror shall provide additional information if requested by the contracting officer.

The offeror shall also provide immediate written notice to the contracting officer if, at any time prior to contract award, the offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Paragraph (c) of the FAR clause at 52.209-6, Protecting the Government's Interest When Subcontracting with Contractor's Debarred, Suspended, or Proposed for Debarment, requires the contractor to require each proposed subcontractor whose subcontract will exceed \$35,000, other than a subcontractor providing a commercially available off-the-shelf (COTS) item, to disclose to the contractor in writing, whether as of the time of award of the subcontract, the subcontractor, or its principals, is or is not debarred, suspended, or proposed for debarment by the Government.

Paragraph (d) of the FAR clause at 52.209-6 requires a corporate officer or designee of the contractor to notify the contracting officer, in writing, before entering into a subcontract (for other than COTS items) with a party that is debarred, suspended, or proposed for debarment. The written notice must include: the name of the subcontractor; why the subcontractor is debarred, suspended, or ineligible; the compelling reason(s) for doing business with the subcontractor; and how the contractor will protect the Government's interests when dealing with such subcontractor. For any subcontract subject to Government consent, contracting officers shall not consent to such subcontracts unless the agency head or a designee state in writing the compelling reasons for approving such subcontract.

d. FAR 52.209-7 and 52.209-9, Information Regarding Responsibility Matters and Updates to that Publicly Available Information. FAR provision 52.209-7, Information Regarding Responsibility Matters, requires each offeror to represent whether it has current active Federal contracts and grants with a total value greater than \$10 million. The provision also requires each offeror to post in the Federal Awardee Performance and Integrity Information System (FAPIIS), as required by maintaining an active registration in SAM, information on whether the offeror

and/or any of its principals has, or has not, within the past five years, in connection with the award to or performance by the offeror of a federal contract or grant, been the subject of a proceeding, at the Federal or State level, that resulted in:

- (i) A criminal conviction in the case of a criminal proceeding;
- (ii) The finding of fault and liability in a civil proceeding resulting in the payment of \$5,000 or more in damages, restitution, reimbursement, fine or penalty;
- (iii) The finding of fault and liability in an administrative proceeding resulting in the payment of a monetary fine or penalty of \$5,000 or more, or the payment of a reimbursement, restitution, or damages in excess of \$100,000; or
- (iv) In a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgement of fault by the contractor if the proceeding could have led to any of the outcomes specified in (d)(i) through (iii) above.

Paragraph (a) of the FAR clause 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters, requires contractors to update the information in FAPIIS on a semiannual basis, throughout the life of the contract, by posting the information in SAM. Paragraph (c) of the FAR clause 52.209-9 informs contractors of their ability to provide feedback on information posted by the Government in FAPIIS and the procedure to follow in the event information exempt from public disclosure is slated to become publicly available information in FAPIIS.

e. FAR 52.209-11, 52.209-12, and 52.212-3(q), Prohibition on Contracting With Corporations with Delinquent Taxes or a Felony Conviction. FAR provision 52.209-11, Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law, and its equivalent for commercial acquisitions at FAR 52.212-3(q), require offerors to represent whether the offeror is a corporation that-

- Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- Was convicted of a felony criminal violation under a Federal law within the preceding 24 months.

FAR provision 52.209-12, Certification Regarding Tax Matters, require offerors proposing a total contract price that will

exceed \$5.5 million (including options) to certify that, to the best of the offeror's knowledge and belief, it -

- Has filed all Federal tax returns required during the three years preceding the certification;
- Has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and
- Has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

f. FAR 52.209-13, Violations of Arms Control Treaties or Agreements with the United States. Unless the offeror is providing evidence of a waiver or determination in accordance with paragraph (b)(2) of the FAR provision at 52.209-13, Violation of Arms Control Treaties or Agreements - Certification, paragraph (b)(1) of the provision requires offerors to certify that-

- The offeror does not engage and has not engaged in any activity that contributed to or is a significant factor in the President's or Secretary of State's determination that a foreign country is in violation of its obligations undertaken in any arms control, nonproliferation, or disarmament agreement to which the United States is a party, or is not adhering to its arms control, nonproliferation, or disarmament commitments in which the United States is a participating state. The determinations are described in the most recent unclassified annual report provided to Congress pursuant to section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a); and
- No entity owned or controlled by the offeror is an entity organized under the laws of such country, that engages or has engaged in any activity that contributed to or is a significant factor in the President's or Secretary of State's determination that a foreign country is in violation of its obligations undertaken in any arms control, nonproliferation, or disarmament agreement to which the United States is a party, or is not adhering to its arms

control, nonproliferation, or disarmament commitments in which the United States is a participating state.

2. Use of the Information.

a. FAR 52.209-1, Qualification Requirements. Contracting officers use the collected information to ensure that an offeror, manufacturer, source, product or service covered by a qualification requirement meets the standards specified in the solicitation or contract.

b. FAR 52.209-2, 52.209-10, and 52.212-3(n), Prohibition on Contracting with Inverted Domestic Corporations. Contracting officers use the collected information in the source selection process, in evaluating an offeror's responsibility for contract award. When an offeror provides an affirmative response to the representation in FAR provisions 52.209-2 or 52.212-3(n), the contracting officer is prohibited from making an award to that offeror unless an exception at FAR 9.108-2(b) applies or the requirement is waived in accordance with the procedures at FAR 9.108-4. The information provided by contractors under FAR clause 52.209-10 is used to determine if the Government is prohibited from paying the contractor for activities performed after the date when it becomes an inverted domestic corporation or subsidiary.

c. FAR 52.209-5, 52.209-6, and 52.212-3(h), Debarment, Suspension, and other Responsibility Matters. Contracting officers use the collected information to determine an offeror's responsibility for contract award. When an offeror provides an affirmative response to the certification in FAR provisions 52.209-5 or 52.212-3(h), the contracting officer is required to request additional information from the offeror and notify, prior to proceeding with award, the agency official responsible for initiating debarment or suspension action. Prime contractors use the collected information under paragraph (c) of the FAR clause at 52.209-6 to determine a subcontractor's responsibility.

d. FAR 52.209-7 and 52.209-9, Information Regarding Responsibility Matters and Updates to that Publicly Available Information. Contracting officers use the collected information to determine an offeror's responsibility for contract award. When an offeror provides an affirmative response to the certification in FAR provision 52.209-7, the contracting officer is required to request additional information from the offeror and notify, prior

to proceeding with award, the agency official responsible for initiating debarment or suspension action. Contracting officers use the collected information under FAR clause 52.209-9 in determining contractor's responsibility when they are an offeror for subsequent procurements.

e. FAR 52.209-11, 52.209-12, and 52.212-3(q), Prohibition on Contracting With Corporations with Delinquent Taxes or a Felony Conviction. Contracting officers use the collected information to determine an offeror's responsibility for contract award. When an offeror provides an affirmative response to the representation in FAR provision 52.209-11 or 52.212-3(q), the contracting officer is required to request additional information from the offeror and notify the agency official responsible for initiating debarment or suspension action. When FAR provision 52.209-12 is applicable, the contracting officer uses the collected information to determine if able to make an award using appropriated funds if the offeror made an affirmative certification under the provision.

f. FAR 52.209-13, Violations of Arms Control Treaties or Agreements with the United States. Contracting officers use the collected information to determine whether the offeror is eligible for award.

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.

a. FAR 52.209-1, Qualification Requirements. Because qualification requirements apply only to certain acquisitions for supplies and services, collection of information on a basis other than solicitation-by-solicitation is not practical. This

collection of information is needed to comply with 10 U.S.C. 3243 and 41 U.S.C. 3311, which permits agency heads to establish qualification requirements for testing or other quality assurance demonstrations that must be completed by an offeror before award of a contract.

b. FAR 52.209-2, 52.209-10, and 52.212-3(n), Prohibition on Contracting with Inverted Domestic Corporations. While the information under FAR provision 52.209-2 or 52.212-3(n) is requested on a solicitation-by-solicitation basis, offerors may provide the information as infrequently as once if the information is provided through SAM. The information under FAR clause at 52.209-10 is only required in the event the prime contractor becomes either an inverted domestic corporation, or a subsidiary of an inverted domestic corporation during contract performance. This collection of information is needed to comply with section 745 of Division D of the Consolidated Appropriations Act, 2008 (Pub. L. 110-161) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions) which prohibit, on a Governmentwide basis, the use of appropriated (or otherwise made available) funds for contracts with either an inverted domestic corporation, or a subsidiary of such a corporation.

c. FAR 52.209-5, 52.209-6, and 52.212-3(h), Debarment, Suspension, and other Responsibility Matters. While the information under FAR provision 52.209-5 or 52.212-3(h) is requested on a solicitation-by-solicitation basis, offerors may provide the information as infrequently as once if the information is provided through SAM. The information collected under paragraph (c) of the FAR clause at 52.209-6 is provided on a solicitation-by-solicitation basis; collection on a less frequent basis is not practical as subcontractors are not required to register in SAM. The information collected under paragraph (d) of the FAR clause at 52.209-6 is only required in the event the prime contractor chooses to enter into a subcontract with a subcontractor that is debarred, suspended, or proposed for debarment.

d. FAR 52.209-7 and 52.209-9, Information Regarding Responsibility Matters and Updates to that Publicly Available Information. The representation made under the FAR provision at 52.209-7 is not included in SAM; the information must be provided on a solicitation-by-solicitation basis. The information required by contractors under FAR clause 52.209-9 must be provided in FAPIIS on a semiannual basis,

as opposed to individual contracts.

e. FAR 52.209-11, 52.209-12, and 52.212-3(q), Prohibition on Contracting With Corporations with Delinquent Taxes or a Felony Conviction. While the information under FAR provision 52.209-11 or 52.212-3(q) is requested on a solicitation-by-solicitation basis, offerors may provide the information as infrequently as once if the information is provided through SAM. The certification made under FAR provision 52.209-12 is not included in SAM; the information must be provided on a solicitation-by-solicitation basis. This collection of information is needed to comply with the Consolidated and Further Appropriations Act, 2015 (Pub. L. 113-235) and similar provisions in subsequent appropriations acts (and as extended in continuing resolutions).

f. FAR 52.209-13, Violations of Arms Control Treaties or Agreements with the United States. The certification made under the FAR provision at 52.209-13 is not included in SAM; the information must be provided on a solicitation-by-solicitation basis. This collection of information is needed to comply with section 1290 of the National Defense Authorization Act for Fiscal Year (FY) 2017.

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 102145, on December 17, 2024. No comments were received.

B. A 30-day notice was published in the *Federal Register* at 90 FR 11982, on March 13, 2025.

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.

Summary of the Public Burden				
FAR Requirement	Respondents	Responses	Hours	Cost
52.209-1	3,985	3,985	3,985	\$278,950
52.209-2/52.212-3(n), & 52.209-10	554477	609926.7	10,168	\$711,741
52.209-5(a)/52.212-3(h) & 52.209-5(b)	560,022	565,566.77	324,370.88	\$22,705,962
52.209-6(c) & (d)	274,871	274,871	139,498	\$9,764,860
52.209-7 and 52.209-9	16,084	96,503	24,125	\$1,688,750
52.209-11/52.212-3(q)	554,477	560,022	56,002	\$3,920,140
52.209-12	387	1,161	116	\$8,127
52.209-13	9,500	65,476	31,438	\$3,080,924
Total Reporting Burden	1,973,803	2,177,511	589,703	\$42,159,453.70
	Recordkeepers	Records	Hours	Cost
Total Recordkeeping Burden for 52.209-7 & -9	5,361	5,361	536,100	\$37,527,000

a. FAR 52.209-1, Qualification Requirements.

Currently, the Government does not collect data on the number of solicitations or contracts that are subject to qualified products lists (QPLs). Instead, based on an annual average of FPDS award data for fiscal years 2021 through 2023, approximately 79,684 contracts were awarded for noncommercial supplies (of which a percentage of these awards are for qualified products). The Government estimates that 1%, or 797, of those 79,684 contracts were subject to QPLs.

The Government estimates a solicitation corresponds to each of those contracts and 5 offers received in response to each of the 797 solicitations for QPL items; and each of the offerors responds to the clause (based on the purpose and use of a QPL); which results in approximately 3,985 responses (797 x 5 = 3,985) to the clause each year. As the Government does not collect data on the individual vendors that respond to Government solicitations, the Government assumes that each response to the clause is from a unique entity (or 3,985 respondents) and that it

takes each respondent approximately one hour to prepare a response to the clause.

The burden is calculated as follows:

Estimated respondents/yr.....	3,985
Responses per respondent.....	<u>X 1</u>
Total annual responses.....	3,985
Estimated hours/response.....	<u>X 1</u>
Estimated annual burden hours.....	3,985
Hourly rate**.....	<u>X \$70</u>
Estimated cost to the public.....	\$278,950

b. FAR 52.209-2, 52.209-10, and 52.212-3(n), Prohibition on Contracting with Inverted Domestic Corporations. For FAR provisions 52.209-2 and 52.212-3(n), the number of respondents is estimated based on SAM data – the number of active registrants in SAM as of November 4, 2024. This certification is included in the SAM annual representations and certifications. Therefore, submission is required only once per year, unless the offeror’s circumstances change (estimated at 0.1). It is estimated that it takes 1 minute to read and complete the certification at FAR 52.209-2 or 52.212-3(n).

For FAR clause 52.209-10, the number of respondents (i.e., contractors that become either an inverted domestic corporation, or a subsidiary of an inverted domestic corporation during contract performance and as such is required to notify the contracting officer) is estimated to be minimal since this may result in the Government being prohibited from paying the contractor. For those respondents, it is estimated that it takes 10 minutes to provide the notification required by paragraph (d) of the clause.

The burden is calculated as follows:

	FAR 52.209-2 / 52.212-3(n)	FAR 52.209-10	Total
Estimated respondents/yr	554,477	2	554,477 ¹
Responses per respondent	1.1	1	

¹ The respondents to FAR 52.209-10 are also subject to FAR 52.209-2/52.212-3(n).

Total annual responses	609,924.7	2	609,926.7
Estimated hours/response	0.01667	0.1667	
Estimated annual burden hours	10,167.4	0.3334	10,167.73
Hourly rate**	\$70	\$70	
Estimated cost to the public	\$711,721.13	\$23.33	\$711,744.46

c. FAR 52.209-5, 52.209-6, and 52.212-3(h), Debarment, Suspension, and other Responsibility Matters. For FAR provisions 52.209-5 and 52.212-3(h), the number of respondents is estimated based on SAM data – the number of active registrants in SAM as of November 4, 2024. Submission in SAM is required only once per year unless the offeror’s circumstances change (estimated at .01). It is estimated that it takes half an hour to read and complete the certification at FAR 52.209-5 or 52.212-3(h).

It is estimated that one percent of respondents (5,545) will be required to submit additional information at the request of the contracting officer or notify the contracting officer of a change in the certification prior to contract award, with an estimate of 8 hours per response (ref FAR 52.209-5(b)).

The burden is calculated as follows:

	FAR 52.209-5(a)/ 52.212-3(h)	FAR 52.209-5(b)	Total
Estimated respondents/yr	554,477	5,545	560,022 ²
Responses per respondent	1.01	1	
Total annual	560,021.77	5,545	565,566.77

² The respondents to FAR 52.209-5(b) are also subject to FAR 52.209-5(a)/52.212-3(h).

responses			
Estimated hours/response	0.5	8	
Estimated annual burden hours	280,010.88	44,360	324,370.88
Hourly rate**	\$70	\$70	
Estimated cost to the public	\$19,600,761.60	\$3,105,200	\$22,705,961.60

For FAR clause 52.209-6, subcontract award data in FSRs for FY 2023 was used as a basis to estimate number of respondents. For FY 2023, there were 137,298 subcontract awards reported into FSRs³. With regards to paragraph (c) of FAR clause 52.209-6, prime contractors require each proposed subcontractor whose subcontract will exceed \$35,000, other than a subcontractor providing a COTS item, to disclose whether the subcontractor or its principals are debarred, suspended, or proposed for debarment by the Federal Government. This requirement flows down to all tiers if the prime contract is for the acquisition of other than commercial products and commercial services. If the prime contract is for the acquisition of commercial products and commercial services, the requirement does not flow down. It is estimated that this will result in 274,596 disclosures by subcontractors⁴. Since each subcontract requires 1 disclosure, by the proposed subcontractor, it is estimated to be 1 response per respondent. This response is estimated to average half an hour per response.

With regards to paragraph (d) of FAR clause 52.209-6, it is estimated that the number of prime contractors entering into a subcontract (for other than COTS items) with a party that is debarred, suspended, or proposed for debarment that must notify the contracting officer should be few, less than 1 respondent in

³ In accordance with FAR clause 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards, prime contractors report awards of first-tier subcontracts of \$30,000 or more into FSRs.

⁴ FSRs data is both an overestimate and an underestimate. The 137,298 is an overestimate because it contains subcontracts between \$30,000 to \$35,000 and subcontracts for COTS. The 137,298 is an underestimate because it does not reflect subcontracts at all tiers. To account for subcontracts at all tiers, the first-tier data is doubled to 274,596.

a thousand (0.001 x 274,596). It is estimated that preparing that written notice will require an average of 8 hours per response.

The burden is calculated as follows:

	FAR 52.209-6(c)	FAR 52.209-6(d)	Total
Estimated respondents/yr	274,596	275	274,871 ⁵
Responses per respondent	1	1	
Total annual responses	274,596	275	274,871
Estimated hours/response	0.5	8	
Estimated annual burden hours	137,298	2,200	139,498
Hourly rate**	\$70	\$70	
Estimated cost to the public	\$9,610,860	\$154,000	\$9,764,860

d. FAR 52.209-7 and 52.209-9, Information Regarding Responsibility Matters and Updates to that Publicly Available Information.

The estimates are based on an annual average of FPDS award data for fiscal years 2021 through 2023.

Reporting Burden for FAR 52.209-7: The provision at FAR 52.209-7 requires that for each solicitation where the resultant contract value is expected to exceed \$600,000, the offeror responds in paragraph (b) as to whether it has active Federal contracts and grants that total greater than \$10 million. Only if the offeror responds affirmatively to paragraph (b) is there any further information collection requirement (i.e., paragraph (c)). Because a firm can quickly retrieve the total dollar amount of its current Federal contracts and grants, the estimated number of hours for response to the check block in paragraph (b) of the FAR

⁵ The respondents to FAR 52.209-6(d) are also subject to FAR 52.209-6(c).

provision at 52.209-7 is 0.1 hours. For those firms who need to enter information into FAPIIS in accordance with paragraph (c), it is estimated to take one hour for that additional collection.

The number of respondents for both paragraphs (b) and (c) of FAR 52.209-7 corresponds to the 16,084 unique vendors that were awarded the 28,694 contracts that would have been subject to FAR 52.209-7, i.e., contracts over \$600,000.

The Government estimates that there was an average of 3 responses per solicitation, resulting in 86,082 offers (28,694 x 3). Of the 86,082 offers, the Government estimates approximately 5 offers per respondent (86,082 offers ÷ 16,084 unique vendors, rounded to the nearest whole number). Based on the analysis, the 16,084 unique vendors were used as the basis for the number of initial respondents for this information collection (i.e., paragraph (b)). The Government further estimates that one third of the unique vendors (5,361 = 16,084 ÷ 3) will be required to provide additional information under the provision (i.e., paragraph (c)).

The burden is calculated as follows:

	FAR 52.209-7(b)	FAR 52.209-7(c)	Total
Estimated respondents/yr	16,084	5,361	16,084 ⁶
Responses per respondent	5	1	
Total annual responses	80,420	5,361	85,781
Estimated hours/response	0.1	1	
Estimated annual burden hours	8,042	5,361	13,403
Hourly rate**	\$70	\$70	
Estimated cost	\$562,940	\$375,270	\$938,210

⁶ Since the respondents to FAR 52.209-7(c) are already accounted for under FAR 52.209-7(b), the total is the number of respondents for FAR 52.209-7(b) instead of a sum of the two sets of respondents.

to the public			
---------------	--	--	--

Reporting Burden for FAR 52.209-9: The clause at FAR 52.209-9 applies to those same solicitations that include the provision at FAR 52.209-7, and to contracts in which the offeror has indicated in paragraph (b) of the FAR provision at 52.209-7 that it has current active Federal contracts and grants with a total value greater than \$10 million. Of the unique vendors that were awarded contracts pursuant to FAR 52.209-9, and were required to enter information in FAPIIS, those contractors will have to update the FAPIIS-related data in SAM every 6 months. Because the FAPIIS information in SAM is maintained on individual vendors, contractors awarded more than one contract will still only have to update the data two times per year regardless of the number of contracts awarded them. An average burden estimate of 1 hour is used to make the semi-annual updates.

The number of respondents for FAR 52.209-9 corresponds to the 16,084 unique vendors that were awarded the 28,694 contracts that would have been subject to FAR 52.209-7, i.e., contracts over \$600,000. The Government estimates that approximately one third ($5,361 = 16,084 \div 3$) of the unique vendors submitting offers may answer the first question affirmatively (from the provision at FAR 52.209-7), and then will have to enter data into FAPIIS for FAR 52.209-9.

The burden is calculated as follows:

Estimated respondents/yr.....	5,361
Responses per respondent.....	<u>x 2</u>
Total annual responses.....	10,722
Estimated hours/response.....	<u>x 1</u>
Estimated annual burden hours.....	10,722
Hourly rate**.....	<u>x \$70</u>
Estimated cost to the public.....	\$ 750,540

Recordkeeping Burden for FAR 52.209-7 and 52.209-9: The number of recordkeepers is based on the number of respondents submitting data into FAPIIS, whether they receive an award (i.e., those having to provide information for FAR provision 52.209-7(c)). For recordkeeping, the Government has used an average burden estimate of 100 hours annually per respondent to include the time necessary per respondent to maintain the company's information internally. Most large businesses and some small businesses have established systems to track compliance.

The recordkeeping burden is calculated as follows:

Recordkeepers/yr.....	5,361
Records per recordkeeper.....	<u>x 1</u>
Total annual records.....	5,361
Review hours/response.....	<u>x 100</u>
Annual recordkeeping burden hours.....	536,100
Hourly rate**.....	<u>x \$70</u>
Annual recordkeeping burden cost to the public.....	\$37,527,000

e. FAR 52.209-11, 52.209-12, and 52.212-3(q), Prohibition on Contracting With Corporations with Delinquent Taxes or a Felony Conviction. For FAR provisions 52.209-11 and 52.212-3(q), the number of respondents is estimated based on SAM data – the number of active registrants in SAM as of November 4, 2024. This representation is included in SAM. Therefore, submission is required only once per year, unless the offeror’s circumstances change (estimated at .01). It is estimated that it takes 6 minutes to read and complete the representation at FAR 52.209-11 or 52.212-3(q).

The burden is calculated as follows:

Estimated respondents/yr.....	554,477
Responses per respondent.....	<u>x 1.01</u>
Total annual responses.....	560,021.77
Estimated hours/response.....	<u>x 0.1</u>
Estimated annual burden hours.....	56,002.177
Hourly rate**.....	<u>x \$70</u>
Estimated cost to the public.....	\$3,920,152.39

For FAR provision 52.209-12, the number of respondents is, based on an annual average of FPDS award data for fiscal years 2021 through 2023, the number of contract awards valued at greater than \$5.5 million from the Department of Commerce, the Department of Justice, and NASA. In general, we estimate receipt of 3 offers per solicitation. It is estimated that it takes 6 minutes to read and complete the FAR 52.209-12 certifications.

The burden is calculated as follows:

Estimated respondents/yr.....	387
Responses per respondent.....	<u>x 3</u>
Total annual responses.....	1,161
Estimated hours/response.....	<u>x 0.1</u>

Estimated annual burden hours.....	116.1
Hourly rate**.....	x \$70
Estimated cost to the public.....	\$ 8,127

f. FAR 52.209-13, Violations of Arms Control Treaties or Agreements with the United States. Based on an annual average of FPDS award data for fiscal years 2021 through 2023, there were 16,369 new awards⁷ to 8,636 unique awardees. Some offerors, however, may not receive an award in a given year, so the number of awardees was multiplied by a factor of 1.1, to estimate the number of entities submitting the annual certification into SAM (8,636 x 1.1 = 9,500). The first response of each offeror will be the most time consuming, because of the need to review the State Department compliance report. Time required to complete and review the certification the first time in a year is estimated at 40 minutes for small entities and 6.6 hours per year for other than small entities. These weighted averages are based on the following assumptions: To complete the certification, offerors' need to review the compliance report of the Department of State will vary on a case-by-case basis. For small entities, it is estimated that 90 percent of the entities will not need to review the compliance report beyond checking the list of foreign countries in the table of contents. Five percent of the entities may also need to review the findings related to one or more listed countries, another 3 percent may also need to review the supporting background and analysis for the findings, and only 2 percent will need to send an inquiry to the Department of State. Regarding other than small businesses, which are more likely to also have subsidiaries, it is estimated that 80 percent will just review the table of contents, 10 percent may review some of the findings, 9 percent will review the supporting rationale, and only 1 percent will email the Department of State with an inquiry. Because a certification is required, we estimated senior level review would be required for the initial certification.

Most of the time related to the certification is due to the need to become familiar with the Department of State Compliance Report and determine that the offeror has not engaged in any prohibited activities. Once that research has been done, the time required to complete additional certifications will be significantly less.

The burden for the first certification from each unique entity in a given year is calculated as follows:

⁷ This accounts for awards exceeding the simplified acquisition threshold (\$250,000) for other than commercial products and commercial services.

Estimated respondents/yr.....	9,500
Responses per respondent.....	x 1
Total annual responses.....	9,500
Estimated hours/response.....	x 2.72
Estimated annual burden hours.....	25,840
Hourly rate***.....	x \$98
Estimated cost to the public.....	\$ 2,532,320

The burden for additional certifications in a given year is calculated as follows:

Estimated respondents/yr.....	9,500
Responses per respondent.....	x 5.89
Additional offers received/per year.....	55,976
Estimated hours/response.....	x 0.1
Estimated annual burden hours.....	5,597.6
Hourly rate***.....	x \$98
Estimated cost to the public.....	\$548,564.80

(Offers subsequent to the initial offer = 16,369 awards x 4 responses per award = 65,476 offers per year less 9,500 initial offers = 55,976)

Hourly rate calculation: The hourly rate is calculated by applying a 36.25 percent fringe factor and a 12 percent overhead factor to a base hourly rate, and then rounding it to the nearest whole dollar. The base hourly rate is derived from the Office of Personnel Management (OPM) 2024 General Schedule (GS) Locality Pay Table 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.

* Based on a GS-9/step 5 salary (\$32.56 per hour), rounded to the nearest whole dollar (\$48).

** Based on a GS-12/step 5 salary (\$47.22 per hour), rounded to the nearest whole dollar (\$70).

*** Based on a GS-14/step 5 salary (\$66.36 per hour), rounded to the nearest whole dollar (\$98).

**** Based on a GS-15/step 5 salary (\$78.05 per hour), rounded to the nearest whole dollar (\$116).

13. Estimated nonrecurring costs. Not applicable.

14. Estimated cost to the Government.

Summary of the Government Burden			
FAR Requirement	Responses	Hours	Cost
52.209-1	3,985	1,993	\$139,475
52.209-2/52.212-3(n), & 52.209-10	609,927	12,247	\$859,463
52.209-5(a)/52.212-3(h), 52.209-5(b) & 52.209-6(d)	565,842	37,780.44	\$2,644,631
52.209-7 and 52.209-9	96,503	8041.6	\$562,912
52.209-11/52.212-3(q) & 52.209-12	561,183	280,592	\$19,641,405
52.209-13	65,476	655	\$31,440
TOTAL	1,902,916	341,308	\$23,879,325.80

a. FAR 52.209-1, Qualification Requirements.

Estimated annual responses..... 3,985
 Review time per response (hours).....x 0.5
 Review time per year (hours).....1,992.5
 Hourly rate**..... x \$70
 Estimated annual cost to the Government..... \$ 139,475

b. FAR 52.209-2, 52.209-10, and 52.212-3(n), Prohibition on Contracting with Inverted Domestic Corporations. The time estimates are based on receiving, reviewing, and analyzing the information submitted by the offeror and contractor.

	FAR 52.209-2 / 52.212-3(n)	FAR 52.209-10	Total
Estimated annual responses	609,925	2	609,927
Review time per response (hours)	0.02	24	
Review time per year (hours)	12,198.5	48	12,246.5

Hourly rate	\$70**	\$116****	
Estimated annual cost to the Government	\$853,895	\$5,568	\$859,463

c. FAR 52.209-5, 52.209-6, and 52.212-3(h), Debarment, Suspension, and other Responsibility Matters. The time estimates are based on receiving, reviewing, and analyzing the information submitted by the offeror and contractor. Note that no burden is estimated for the Government in terms of paragraph (c) of FAR clause 52.209-6 because the Government is not reviewing the disclosures made by prospective subcontractors to the prime contractor.

	FAR 52.209-5(a)/ 52.212-3(h)	FAR 52.209-5(b)	FAR 52.209-6(d)	Total
Estimated annual responses	560,022	5,545	275	565,842
Review time per response (hours)	0.02	4	16	
Review time per year (hours)	11,200.44	22,180	4,400	37,780.44
Hourly rate**	\$70	\$70	\$70	
Total estimated annual cost	\$784,030.80	\$1,552,600	\$308,000	\$2,644,630.80

d. FAR 52.209-7 and 52.209-9, Information Regarding Responsibility Matters and Updates to that Publicly Available Information. The time estimates are based on receiving, reviewing, and analyzing the information submitted by the offeror and contractor.

	FAR 52.209-7(b)	FAR 52.209-7(c)	FAR 52.209-9	Total
Estimated annual responses	80,420	5,361	10,722	96,503
Review time per response (hours)	0.02	1	.1	
Review time per year (hours)	1,608.4	5,361	1,072.2	8,041.6
Hourly rate**	\$70	\$70	\$70	
Total estimated annual cost	\$112,588	\$375,270	\$75,054	\$562,912

e. FAR 52.209-11, 52.209-12, and 52.212-3(q), Prohibition on Contracting With Corporations with Delinquent Taxes or a Felony Conviction. The time estimates are based on receiving, reviewing, and analyzing the information submitted by the offeror.

Estimated annual responses.....561,183
Review time per response (hours)..... x 0.5⁸
Review time per year (hours).....280,591.5
Hourly rate**..... x \$70
Estimated annual cost to the Government..... \$ 19,641,405

f. FAR 52.209-13, Violations of Arms Control Treaties or Agreements with the United States.

Estimated annual responses..... 65,476
Review time per response (hours)..... x .01
Review time per year (hours)..... 655
Hourly rate*..... x \$48

⁸ This considers the negligible amount of time to review negative representations, and the occasional more substantial amount of time required if a respondent indicates a problem regarding felony conviction or delinquent taxes.

Estimated annual cost to the Government.....\$ 31,440

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 the following:

- The estimated cost per hour is based on use of the calendar year 2024 OPM GS wage rates for the rest of the United States.
- The estimated number of respondents and annual responses were based on an annual average of FPDS award data for fiscal years 2021 through 2023, and the most current SAM and FSRS data available.

Reporting Public Burden	2022	2025	Increase
Responses	1,934,740	2,177,511	242,771
Hours	538,707	589,703	50,996
Cost	\$31,331,490	\$42,159,454	\$10,827,964

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.