

Federal Acquisition Regulation (FAR)
Extraordinary Contractual Action Requests
OMB Control No. 9000-0029
Justification - Part A Supporting Statement

FAR sections affected: 50.103-3, 50.103-4, 50.104-3 and 52.250-1

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 based on data from the Federal Procurement Data System (FPDS) for fiscal years 2022 through 2024, and use of the calendar year 2025 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 FAR requirements:

a. *FAR 50.103-3, Contract Adjustment*. This section specifies the minimum information that a contractor must include when seeking a contract adjustment that would facilitate the national defense, as set forth in Public Law 85-804. The request, normally a letter, shall state as a minimum -

- (1) The precise adjustment requested;
- (2) The essential facts, summarized chronologically in narrative form;
- (3) The contractor's conclusions based on these facts, showing, in terms of the considerations set forth in FAR 50.103-1 and 50.103-2, when the contractor considers itself entitled to the adjustment; and
- (4) Whether or not -
 - (i) All obligations under the contracts involved have been discharged;
 - (ii) Final payment under the contracts involved has been made;
 - (iii) Any proceeds from the request will be subject to

assignment or other transfer, and to whom; and

(iv) The contractor has sought the same, or a similar or related, adjustment from the Government Accountability Office or any other part of the Government, or anticipates doing so.

If the request exceeds the simplified acquisition threshold, the contractor must certify that the request is made in good faith and the data are accurate and complete.

b. *FAR 50.103-4, Facts and Evidence.* This section covers additional information that the contracting officer or other agency official may request from the contractor to support any request made under FAR 50.103-3.

c. *FAR 50.104-3 Special Procedures for Unusually Hazardous or Nuclear Risks.*

This section provides the information a contractor shall submit to the contracting officer when requesting the inclusion of the indemnification clause for unusually hazardous or nuclear risks at FAR 52.250-1.

d. *FAR 52.250-1, Indemnification Under Public Law 85-804.* This clause allows contractors to be indemnified against unusually hazardous or nuclear risks. Paragraph (g) requires the contractor to promptly notify the contracting officer and furnish pertinent information for any claim or loss that may involve indemnification under the clause.

2. Use of the Information. The Government uses the information to determine if relief can be granted to the contractor and to determine the appropriate type and amount of relief.
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, 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 this information on a basis other than contract-by-contract is not practical. This information is collected when the contractor:
 - Requests a contract adjustment;
 - Provides the government with additional information to support a contract adjustment;
 - Requests inclusion of the clause at FAR 52.250-1; and
 - Reports any claim, loss, or damage covered by the clause.
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 90 FR 15465, on April 11, 2025. A comment was received; however, it did not change the estimate of the burden.

Comment: The respondent expressed the following: "This collection should not be renewed based on an improper implementation upon setup. This also should not be considered based on the significant legal impact for the initial contract. This is important to address for the noncompliant agreement in place and the taxpayer dollars utilized over the years."

Response: The respondents' input is appreciated. Any changes to the collection of information on extraordinary contractual action requests will require rulemaking.
 - B. A 30-day notice was published in the *Federal Register* at 90 FR 29549, on July 3, 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. The estimated burden is based on FPDS data for fiscal years 2022 through 2024 using the "Emergency Acquisition Description" field for "Presidential Issued Emergency Declaration, or a Major Disaster Declaration" actions. It is estimated that less than 10 contracts are for defense-related acquisitions for Product and Service Codes Groups 10-14, 2541, 5865, and Category AC valued over \$10,000. In accordance with 5 CFR 1320.3(c)(4)¹, the number of respondents used for this extension is 10.

Summary of Public Burden	FAR 50.103-3 & 50.103-4	FAR 50.104-3	FAR 52.250-1	Total
Estimated number of respondents/yr	10	10	10*	20
Responses per respondent	1	1	1	
Total annual responses	10	10	10	30
Estimated hrs/response	24	40	80	
Estimated annual burden hours	240	400	800	1,440
Hourly rate**	\$100	\$100	\$100	
Estimated annual cost to the public	\$24,000	\$40,000	\$80,000	\$144,000

* This is a subset of the 10 respondents at FAR 50.104-3, and therefore not counted separately when calculating the total estimated number of respondents per year.

** The hourly rate is calculated by applying a 36.25 percent

¹ For purposes of implementing the Paperwork Reduction Act, "ten or more persons" refers to the persons to whom a collection of information is addressed by the agency within any 12-month period.

fringe factor and a 12 percent overhead factor to a base hourly rate (\$67.63) and then rounding to the nearest whole dollar (\$100). The base hourly rate is derived from the OPM 2025 GS Locality Pay Table for a GS-14/step 5 salary for the rest of the United States ("Salary Table 2025-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. This hourly rate reflects the level of experience and pay-grade expected to review and prepare information related to extraordinary contract actions and unusually hazardous or nuclear risk.

13. Estimated nonrecurring costs. Not applicable.

14. Estimated cost to the Government.

Summary of Government Burden	FAR 50.103-3 & 50.103-4	FAR 50.104-3	FAR 52.250-1	Total
Total annual responses	10	10	10	30
Review time per response (hours)	24	20	80	
Review time per year (hours)	240	200	800	1,240
Hourly rate**	\$100	\$100	\$100	
Estimated annual cost to the Government	\$24,000	\$20,000	\$80,000	\$124,000

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 the following:

- The estimated cost per hour is based on use of the calendar year 2025 OPM GS wage rates for the rest of the United States.
- There are no known sources of data related to this information collection. Previous extensions of the collection used data for FY 2015 from a manual data pull

which required a significant administrative burden from the Department of Defense components to obtain. For this extension, a reasonable estimate of the number of respondents and responses was obtained based on FPDS data for fiscal years 2021 through 2024.

Reporting Public Burden	2022	2025	Change
Responses	165	30	-135
Hours	6,848	1,440	-5,408
Cost	\$568,384	\$144,000	-\$424,384

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.