

**Supporting Statement for
Department of Veterans Affairs Acquisition Regulation (VAAR) Clauses 852.237–70,
Indemnification and Medical Liability Insurance; 852.228–71, Indemnification and
Insurance
OMB Control No. 2900-0590**

Summary of Changes from Previously Approved Collection

- There are no revisions to the previously approved information collection (IC) instrument.
- The supporting statement was updated to the current format.
- As reflected in Section 15, there is no burden hour change since the previous approval. The burden cost of this information collection increased by \$13,169 due to higher wage rates.
- The 60-day public comment period ended on 10/14/2025. VA received no comments.

1. Need for the Information Collection

This Paperwork Reduction Act (PRA) submission requests reinstatement without change of the previously approved collection of Office of Management and Budget (OMB) approval No. 2900-0590 for Department of Veterans Affairs Acquisition Regulation (VAAR) clauses 852.237-70, Indemnification and Medical Liability Insurance; and 852.228-71, Indemnification and Insurance. This PRA submission seeks OMB approval for collections of information for both commercial and non-commercial item and service solicitations and contracts using these clauses. These clauses are used in both commercial and non-commercial item and service solicitations and contracts.

Authorities: 44 U.S.C. § 3507, Paperwork Reduction Act of 1995; 48 C.F.R §§1.301–1.304; 48 C.F.R §837.403.70(a); and 48 C.F.R §828.306

2. Use of the Information

a. VAAR clause 852.237-70, Indemnification and Medical Liability Insurance, is used in lieu of Federal Acquisition Regulation (FAR) clause 52.237-7, Indemnification and Medical Liability Insurance, in solicitations and contracts for the acquisition of non-personal health care services. It requires the apparent successful bidder/offeree, upon the request of the contracting officer, prior to contract award, to furnish evidence of insurability of the offeror and/or all health-care providers who will perform under the contract. In addition, the clause requires the contractor, prior to commencement of services under the contract, to provide Certificates of Insurance or insurance policies evidencing that the firm possesses the types and amounts of insurance required by the solicitation. The information is required to protect VA by ensuring that the firm to which award may be made and the individuals who may provide health care services under the contract are insurable and that, following award, the contractor and its employees will continue to possess the types and amounts of insurance required by the solicitation. It helps ensure that VA will not be held liable for any negligent acts of the contractor or its employees and ensures that VA and VA beneficiaries will be protected by adequate insurance coverage.

b. VAAR clause 852.228-71, Indemnification and Insurance, is used in solicitations for vehicle or aircraft services. It requires the apparent successful bidder/offeree, prior to contract award, to furnish evidence that the firm possesses the types and amounts of insurance required by the

solicitation. This evidence is in the form of a certificate from the firm's insurance company. The information is required to protect VA by ensuring that the firm to which award will be made possesses the types and amounts of insurance required by the solicitation. It helps ensure that VA will not be held liable for any negligent acts of the contractor and ensures that VA beneficiaries and the public are protected by adequate insurance coverage.

3. Use of Information Technology

VA almost always requests or allows offerors/contractors to submit these ICs electronically – typically via email or uploaded into VA-provided portal links. VA complies with the policy in Federal Acquisition Regulation (FAR) 4.002 (Deviation, Nov 2025) that mandates using electronic commerce whenever practicable and cost-effective.

4. Non-duplication

The information obtained through these collections is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

There is no significant impact on small businesses.

6. Less Frequent Collection

This information is only collected once, unless the contractor changes their insurance coverage during contract performance. For clauses 852.237-70 and 852.228-71, failure to collect the information would have a negative impact on VA's ability to ensure that VA will not be held liable for any negligent acts of the contractor or its employees, and that VA beneficiaries and the public are protected by adequate insurance coverage.

7. Paperwork Reduction Act Guidelines

a. Depending on the clause, the information is needed prior to the award of each contract, as circumstances warrant, or following contract award. For clauses 852.237-70 and 852.228-71, insurance coverage can change from day to day. The insurance certificate must state that the contractor's insurance will not be cancelled without prior notification to VA. The information is only required once for each contract award and may cover a multi-year period unless the insurance changes.

b. (1) For clause 852.237-70, the information is submitted prior to each contract award, if requested by the contracting officer, or after award and prior to commencement of services.

(2) For clause 852.228-71, the information is submitted prior to each contract award.

c. Records are retained in accordance with requirements for government contracts in the FAR.

d. Statistical survey methodologies are not applicable.

e. These information collections do not include a pledge of confidentiality.

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for these collections was published on Thursday, August 14, 2025. The 60-Day FRN citation is 90 FR 39264. No comments were received during the 60-Day Comment Period.

A 30-Day FRN for these collections was published on Monday, November 24, 2025. The 30-Day FRN citation is 90 FR 53064.

Part B: CONSULTATION.

No additional consultation apart from soliciting public comments through the Federal Register was conducted for this submission.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in these collections.

10. Confidentiality

- A Privacy Act Statement is not required for this collection because we are 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.
- No assurances of privacy/confidentiality will be provided to respondents. However, 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.
- These information collections do not require the submission of proprietary information.
- Contract laws and regulations specify record retention requirements for contracts. FAR subpart 4.7, Contractor Records Retention, states the required records retention period based on different contract actions and circumstances.

11. Sensitive Questions

No questions of a sensitive nature are being asked in these collections.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

- 1) Clause 852.237-70, Indemnification and Medical Liability Insurance
 - a) Number of Respondents: 1500
 - b) Number of Responses Per Respondent: 1 per each contract awarded
 - c) Number of Total Annual Responses: 1500
 - d) Response Time: 30 minutes
 - e) Respondent Burden Hours: 750 Hours
- 2) Clause 852.228-71, Indemnification and Insurance:

- a) Number of Respondents: 500
- b) Number of Responses Per Respondent: 1 per each contract awarded
- c) Number of Total Annual Responses: 500
- d) Response Time: 30 minutes
- e) Respondent Burden Hours 250 Hours

3) Total Submission Burden

The following is the combined data for both clauses:

- a) Total Number of Respondents: 2,000
- b) Total Number of Annual Responses: 2,000
- c) Total Respondent Burden Hours: 1000

B: LABOR COST OF RESPONDENT BURDEN

1) 852.237-70, Indemnification and Medical Liability Insurance

- a) Number of Total Annual Responses: 1500
- b) Response Time: .5 hours
- c) Respondent Hourly Wage: \$33.10
- d) Labor Burden per Response: \$16.55
- e) Total Labor Burden: \$24,825

2) Clause 852.228-71, Indemnification and Insurance

- a) Number of Total Annual Responses: 500
- b) Response Time: .5 hours
- c) Respondent Hourly Wage: \$33.10
- d) Labor Burden per Response: \$16.55
- e) Total Labor Burden: \$8,275

3) Overall Labor Burden

- a) Total Number of Annual Responses: 2,000
- b) Total Labor Burden: \$33,100

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) Clause 852.237-70, Indemnification and Medical Liability Insurance

- a) Number of Total Annual Responses: 750
- b) Processing Time per Response: .5 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$46.82
- d) Cost to Process Each Response: \$23.41
- e) Total Cost to Process Responses: \$35,115

2) Clause 228-71, Indemnification and Insurance

- a) Number of Total Annual Responses: 250
- b) Processing Time per Response: .5 hours

- c) Hourly Wage of Worker(s) Processing Responses: \$46.82
- d) Cost to Process Each Response: \$23.41
- e) Total Cost to Process Responses: \$11,705

3) Overall Labor Burden to the Federal Government

- a) Total Number of Annual Responses: 1000
- b) Total Labor Burden: \$46,820.

Estimated annualized cost to the Government: \$46,820 (500 hours at \$46.82 per hour). It is estimated that the review and statement will be prepared by a Journeyman Contract Specialist equivalent to a GS-11. Based on a GS-11, step 5 salary, for FY25 – see Salary Table 2025-GS (<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/GS.aspx>) a GS-11, step 5 salary, plus 36.25% per OMB Memo M-08-13 dated March 11, 2008, the hourly rate is (\$34.30 X 136.25% = \$46.82).

Part B: OPERATIONAL AND MAINTENANCE COSTS

1) Cost Categories

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

1) Total Labor Cost to the Federal Government: \$46,820

2) Total Operational and Maintenance Costs: \$0

3) Total Cost to the Federal Government: \$46,820

15. Reasons for Change in Burden:

There is no burden hour change. The burden cost has increased since the previous approval due to higher wage rates. This results in a net increase of \$13,169 in burden cost, as shown below.

SS Block #	Cost This SS	Cost Last SS	Increase (Decrease)	Reason
12c	\$33,100	\$28,034	\$5,066	Increase in BLS rate.
14	\$46,820	\$38,717	\$8,103	Increase in GS rate.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are 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"

We are not requesting any exemptions to the provisions stated in 5 C.F.R. § 1320.9.