

## SUPPORTING STATEMENT - PART A

### **Supporting Statement for Gray Market Clauses: 852.212-71 and 852.212-72 OMB Control No. 2900-0902**

#### Summary of Changes from the Previously Approved Collection

- There are no revisions to the previously approved information collection (IC) instrument.
- The supporting statement was updated to the current format.
- Section 3 was revised to reflect the expanded use of electronic submission of information.
- Section 7 provides expanded discussion on the Paperwork Reduction Act (PRA) Guidelines.
- Section 15 shows there is no change in burden hours from the previous approval. The burden cost of these information collections increased by \$21,929 because wage rates are higher.
- The 60-day comment period ended on 3/17/2026. VA received no comments.

#### 1. Need for the Information Collection

The Department of Veterans Affairs (VA), Office of Acquisition and Logistics, requests the Office of Management and Budget (OMB) grant an extension of previously approved information collections (IC) under OMB control number 2900-0902, for VA Acquisition Regulation (VAAR) clauses 852.212-71, Gray Market and Counterfeit Items; and 852.212-72, Gray Market and Counterfeit Items—Information Technology Maintenance Allowing Other-than-New Parts.

The clauses require that a vendor must be an Original Equipment Manufacturer (OEM), authorized dealer, authorized distributor or authorized reseller for the proposed equipment/system. The VA requires that this be verified by an authorization letter or other documents from the OEM; this is the information collection requirement under the clauses.

**Authority:** Public Law 113-283, Federal Information Security Modernization Act of 2014 (FISMA), requires each federal agency to secure information and information systems that support the operations of the agency, including those provided or managed by a contractor, or other source.

#### 2. Use of the Information

These information collection requirements are needed to protect the safety and health of the nation's Veterans and to protect the security and integrity of VA information, VA

sensitive information, and information systems by prohibiting other than an OEM, authorized dealer, authorized distributor or authorized reseller.

### 3. Use of Information Technology

VA almost always requests or allows offerors/contractors to submit these ICs electronically – typically via email or uploading 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

These information collections do not impose a significant economic impact on a substantial number of small businesses or entities. Small businesses will be affected in the same way as large businesses.

### 6. Less Frequent Collection

Less frequent collection of information could expose vulnerabilities in VA sensitive information and information technology.

VA does not expect that a contractor/subcontractor will submit a response more often than quarterly.

### 7. Paperwork Reduction Act Guidelines

These collections of information do not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 C.F.R. §1320.5(d)(2). More specifically to one requirement – the nature and extent of confidentiality, the protection of contractor proprietary, trade secret, or other confidential information; the Government's right to use that data is covered by contract-specific clauses available to all offerors.

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.

### 8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection was published on Friday, January 16, 2026. The 60-Day FRN citation is 91 FR 2276. No comments were received during the 60-Day Comment Period.

A 30-Day FRN for this collection was published on Wednesday, March 25, 2026. The 30-Day FRN citation is 91 FR 14635.

## Part B: CONSULTATION

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

### 9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

### 10. Confidentiality

- A Privacy Act Statement is not required for these collections 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 these collections because records are not retrievable by Personally Identifiable Information (PII).
- A Privacy Impact Assessment (PIA) is not required for these collections 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.

### 11. Sensitive Questions

No questions considered sensitive are being asked in these collections.

### 12. Respondent Burden and its Labor Costs

## Part A: ESTIMATION OF RESPONDENT BURDEN

The update does not alter the burden hour total below, from what was reported previously.

Submitting an authorization letter or other documents from the Original

Equipment Manufacturer

Total Burden Hours: 2,171

Average Number of Respondents: 4,342

Average Annual Responses: 13,026

(i) VAAR Clause 852.212-71, Gray Market and Counterfeit Items

No. of respondents	x No. of responses per respondent	x No. of minutes	÷ by 60	Number of Burden Hours
2,171	3	10		1,085.5

(ii) Clause 852.212-72, Gray Market, and Counterfeit Items—  
Information Technology Maintenance Allowing Other-than-New  
Parts

No. of respondents	x No. of responses per respondent	x No. of minutes	÷ by 60	Number of Burden Hours
2,171	3	10		1,085.5

Part B: LABOR COST OF RESPONDENT BURDEN

1) VAAR Clause 852.212-71

Number of Total Annual Responses: 6,513

Response Time: 1,085.5 hours

Respondent Hourly Wage: \$51.54

Total Labor Burden: \$55,947

2) VAAR Clause 852.212-72

Number of Total Annual Responses: 6,513

Response Time: 1,085.5 hours

Respondent Hourly Wage: \$51.54

Total Labor Burden: \$55,947

3) Overall Labor Burden

a) Total Number of Annual Responses: 13,026

b) Total Labor Burden: \$111,894

Total estimated annual cost to all respondents: \$111,894 (2,171 hours at \$51.54 per hour). This is based on the Bureau of Labor Statistics May 2024 Occupational Employment and Wages code “13-1020 Buyers and Purchasing Agents” mean hourly wage is \$37.83 plus 36.25% fringe benefits per OMB Memo M-08-13 dated March 11, 2008.

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 these collections.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

Total Estimated Burden Hours to the Government: 2,171.

Total Estimated Cost to the Government: \$102,471.

\$102,471 (2,171 hours at \$47.20, based on 2026 OPM Salary Table, including benefits of 36.25% per OMB Memo M-08-13 dated March 11, 2008, of the average GS 11, Step 5, VA contracting officer).

OPM 2026 Salary Table can be located at [Pay & Leave : Salaries & Wages - OPM.gov](#).

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: \$102,471
  
- 2) Total Operational and Maintenance Costs: \$0
  
- 3) Total Cost to the Federal Government: \$102,471

15. Reasons for Change in Burden

There is no burden hour change. The burden cost estimate has increased since the previous approval due to higher wage rates. This results in an increase of \$21,929 in burden cost as shown below.

Summary of the cost differences between this SS and last SS

SS Block #	Cost This SS	Cost Last SS	Increase (Decrease)	Reason
12	\$111,894	\$102,902	\$8,992	Increase in BLS wage rate.
14	\$102,471	\$89,534	\$12,937	Increase in GS wage rate.

16. Publication of Results

The results 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 these collection instruments.

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.