

Supporting Statement for Bonneville Power Administration Contracting

Part A: Justification

OMB No. 1910-New

BPA F 4220.04 - Subcontracting Report for Individual Contracts

BPA F 4220.51 - Amendment of Solicitation/ Modification of Contract/Order

BPA F 4220.52 - Solicitation, Offer, and Award for Construction

BPA F 4220.55 - Solicitation/Contract/Order for Services and /or Items

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Introduction

Bonneville Power Administration (BPA) has submitted to the Office of Management and Budget (OMB) for clearance, a proposal for collection of information pursuant to the Paperwork Reduction Act of 1995. The proposed collection will allow BPA to exercise management and oversight awarding of contracts in a cost-effective manner, and for safeguarding the interests of Bonneville in its contractual relationships. In order to perform these responsibilities, Contracting officers require information collections from prospective or current vendors regarding how they are fulfilling their contractual obligations. This information collection is associated with BPA's management and oversight of contracting requirements in fulfillment of BPA vendor contracts.

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on November 8, 2019, volume 84, number 217, and page number 60396. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments were received. We were incorrect with the estimated burden response for form BPA F 4220.51 – Amendment of Solicitation/Modification of Contract/Order and provided the correct information in the 30-day Federal Register Notice.

These collections require OMB approval under the Paperwork Reduction Act because the various forms gather information from contract employees, vendors, and other utilities. The relevant instruments for these collections are the following forms:

BPA F 4220.04 - Subcontracting Report for Individual

BPA F 4220.51 - Amendment of Solicitation/ Modification of Contract/Order

BPA F 4220.52 - Solicitation, Offer, and Award for Construction

BPA F 4220.55 -Solicitation/Contract/Order for Services and /or Items

A.1. Legal Justification

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.

BPA is a power marketing administration, a federal nonprofit agency based in the Pacific Northwest. Although BPA is part of the U.S. Department of Energy, it is self-funding and covers its costs by selling its products and services. BPA markets wholesale electrical power from 31 federal hydro-electric dams in the Columbia River Basin, one non-federal nuclear plant and several other small non-federal power plants. The U.S. Army Corps of Engineers and the Bureau of Reclamation own and operate the federal dams. BPA is responsible for marketing about one-third of the electric power used in the Northwest.

BPA also operates and maintains about three-fourths of the high-voltage transmission in its service territory. BPA's service territory includes Idaho, Oregon, Washington, western Montana and small parts of eastern Montana, California, Nevada, Utah, and Wyoming.

As part of its responsibilities, BPA promotes energy efficiency, renewable resources, and new technologies. The agency also funds regional efforts to protect and rebuild fish and wildlife populations affected by hydroelectric power development in the Columbia River Basin.

BPA derives its contracting authority from several acts. The Bonneville Project Act, particularly Sections 2(f) and 8 (16 U.S.C. § 832 et seq.), grants authority to the Bonneville Administrator to contract for supplies and services. The Federal Columbia River Transmission System Act of 1974, particularly Section 11(b) (16 U.S.C. § 838 et seq.), grants authority to the Bonneville Administrator to make expenditures without appropriations from Congress or limitation to fiscal year. The Pacific Northwest Electric Power Planning and Conservation Act, particularly Section 9(a) (16 U.S.C. § 839 et seq.), reaffirms the need for the special contracting authorities in Section 2(f) of the Bonneville Project Act.

A.2. Needs and Uses of Data

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection

The Contracts & Strategic Sourcing organization is responsible for: acquiring all of BPA's materials and services, contracting for all services and project needs, and managing BPA's inventory of supplies and goods. Vendors complete and submit these forms to Contracts and Strategic Sourcing to fulfill BPA contracting requirements.

The contracting office is responsible for collecting and maintaining records of purchasing data for acquisition activities. The data shall provide, as a minimum: (a) A basis for responding and reporting to the Federal government and the public; (b) A means of measuring and assessing the impact of Bonneville supplier diversity program activities; and (c) Data for HCA oversight, management decisions, and operational purchasing management and internal control purposes.¹

These collections require OMB approval under the Paperwork Reduction Act because the various forms gather information from contract employees, vendors, and other utilities. The relevant instruments for these collections are the following forms:

BPA F 4220.04 - Subcontracting Report for Individual Contracts: This form collects subcontract award data from prime contractors that: (a) hold one or more contracts over \$650,000 (over \$1,500,000 for construction of a public facility); and (b) are required to report subcontracts awarded to Small Businesses (SB), Disadvantaged Small Businesses (SDB), Women-Owned Small Businesses (WOSB), Veteran-Owned Small Businesses (VOSB) and Service-Disabled Veteran-Owned Small Businesses under a subcontracting plan.

¹ Bonneville Purchasing Instruction, February 2020, 4.3.6 Contract Reporting, page 81.

BPA F 4220.51 - Amendment of Solicitation/ Modification of Contract/Order: **When Bonneville modifies its requirements before receipt of offers, the contracting officer shall notify the potential suppliers of the change via an amendment to the solicitation, which the potential suppliers must acknowledge.**

BPA F 4220.52 - Solicitation, Offer, and Award for Construction: **This form collects information for BPA contract solicitation**

BPA F 4220.55 -Solicitation/Contract/Order for Services and /or Items: **This form collects supplier information and agreement to furnish and deliver all items and services.**

A.3. Use of Technology

Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

All of the instruments are fillable electronic PDF forms submitted via encrypted email, internal mail, or via fax. The cost of additional automation significantly outweighs the potential reduction in burden on respondents.

A.4. Efforts to Identify Duplication

Describe efforts to identify duplication.

The information is not collected by other means or in another form by BPA or DOE.

A.5. Provisions for Reducing Burden on Small Businesses

If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

BPA's supplier diversity programs seek to place a fair proportion of its purchases with small businesses, disadvantaged small businesses, woman-owned small businesses, veteran-owned small businesses, and disabled veteran-owned small businesses through its normal course of business. The Supplier Diversity Program (SDP) Manager facilitates the supplier diversity award policies as set forth in the Bonneville Purchasing Instructions (BPI)², and interacts with small business concerns and Small Business Administration (SBA) representatives. It is Bonneville's supplier diversity program policy to place a fair proportion of its purchases with small businesses, disadvantaged small businesses, woman-owned small businesses, veteran-owned small businesses, and disabled veteran-owned small businesses through its normal course of business.³ The SDP Manager ensures that top-level Bonneville management is actively involved

² Bonneville Purchasing Instruction, issued February 3, 2020, by BPA's Head of Contracting Activity (HCA). The Bonneville Purchasing Instructions (BPI) are issued by the Head of the Contracting Activity under the authority of the Bonneville Project Act. The BPI establishes BPA-wide policies and procedures for the purchase of supplies and services, including construction services

³ Micro-Purchase Program Manual, issued July 15, 2020, by BPA's Head of the Contraction Activity (HCA). This manual establishes Bonneville's procedures for the Micro-Purchase Program (MPP), and outlines all of the procurement tools available

in the supplier diversity program implementation and staff may obtain a professional certificate in supplier diversity.

A.6. Consequences of Less-Frequent Reporting

Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The BPI provides Bonneville-wide policies and procedures for the purchase of supplies and services (including construction) by the Bonneville Power Administration. BPA maximizes procurement flexibilities and the best buy model, while ensuring compliance with applicable Federal procurement regulations. These principles are: (1) Award compliant contracts that effectively manage/mitigate agency risk while meeting best buy goals, (2) Build quality into contract formulation to minimize administrative reviews while ensuring compliance with all applicable Federal procurement regulations, and (3) Provide the correct contract tools to maximize procurement flexibilities to effectively meet agency needs. Contracting officers are responsible for awarding contracts in a cost-effective manner, and for safeguarding the interests of Bonneville in its contractual relationships. In order to perform these responsibilities, Contracting officers require information collections from prospective or current vendors regarding how they are fulfilling their contractual obligations. By collecting the information BPA adheres to the above principles.

A.7. Compliance with 5 CFR 1320.5

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The information collections are conducted in a manner consistent with OMB guidelines.

to federal employees who are responsible for purchasing goods and services at or below the micro-purchase threshold of \$25,000.

A.8. Summary of Consultations Outside of the Agency

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on November 8, 2019, volume 84, number 217, and page number 60836. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments were received.

Other than the Federal Register Notice, we did not consult with persons outside of DOE.

A.9. Payments or Gifts to Respondents

Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Respondents will not receive any payment or gift.

A.10. Provisions for Protection of Information

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

BPA provides notice that the proposed collection of information in this program will not be part of a system of records covered by the Privacy Act and may be available under the Freedom of Information Act.

A.11. Justification for Sensitive Questions

Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why DOE considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the information requested is of a sensitive nature.

A.12. Estimate of Respondent Burden Hours

Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, DOE should not conduct special surveys to obtain

information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

Table A1. Estimated Respondent Burden

Form Number/Title	Annual Reporting Frequency	Number of Respondents	Annual Number of Responses	Burden Hours Per Response	Annual Burden Hours
BPA F 4220.04 – Subcontracting Report for Individual Contracts	1	12	12	.50	6
BPA F 4220.51 – Amendment of Solicitation/Modification of Contract/Order	1	2676	2676	.15	401
BPA F 4220.52 – Solicitation, Offer, and Award for Construction	1	140	140	.20	28
BPA F 4220.55 – Solicitation/Contract/Order for Services and/or Items	1	542	542	.20	108
TOTAL		3370	3370		543

The totals in the above table are three-year averages provided by BPA’s contracting staff. BPA is replacing its forms with the ones being evaluated in this document. These numbers are BPA’s historical numbers from the past 3 years of the number of respondents for the forms we are replacing them with as identified in this information collection request.

A.12B. Estimate of Annual Cost to Respondent for Burden Hours

Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government’.

Table A2. Estimated Respondent Cost Burden

Type of Respondents	Total Annual Burden Hours	Hourly Wage Rate	Total Respondent Costs
Project Manager	543	\$115.00 ⁴	\$62,445.00
			0
TOTAL	543		\$62,445.00

⁴ Typically, the project manager of the Contractor fills out these forms. The fully burdened average hourly rate for project managers across all BPA Contracts is \$115.00.

A.13. Annual Cost to Respondents

Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

Other than those described above, BPA does not anticipate any additional annual cost burden to respondents. There will be no ongoing operation or maintenance costs for respondents.

A.14. Annual Cost to the Federal Government

Provide estimates of annualized cost to the Federal government.

The estimated budget for the Supply Chain Management office that processes this information collection is \$126,375 annually. This includes estimated federal burden for BPA personnel processing the completed forms, which is based on the total number of hours it would take to complete review and verification of information. The estimate for a fully burdened, average full time equivalent (FTE) is approximately \$75.00/hour. DOE approximates 0.5 hours to review each form.

- $3,370 \text{ reports/year} \times 0.5 \text{ hour/report} \times \$75.00/\text{hour} = \$126,375$

A.15. Reasons for Changes in Burden

Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.

This is a new collection, therefore there are no program changes or adjustments scheduled.

A.16. Collection, Tabulation, and Publication Plans

For collections whose results will be published, outline the plans for tabulation and publication.

This information collection will not be published.

A.17. OMB Number and Expiration Date

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

DOE will display the OMB Control Number and expiration date on all collection vehicles.

A.18. Certification Statement

Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

There are no exceptions to the certification statement.