

that contractors on construction contracts—

(a) Notify subcontractors/suppliers of any amounts to be withheld and furnish a copy of the notification to the contracting officer;

(b) Pay interest to subcontractors/suppliers if payment is not made by 7 days after receipt of payment from the Government, or within 7 days after correction of previously identified deficiencies;

(c) Pay interest to the Government if amounts are withheld from subcontractors/suppliers after the Government has paid the contractor the amounts subsequently withheld, or if the Government has inadvertently paid the contractor for nonconforming performance; and

(d) Include a payment clause in each subcontract which obligates the contractor to pay the subcontractor for satisfactory performance under its subcontract not later than 7 days after such amounts are paid to the contractor, include an interest penalty clause which obligates the contractor to pay the subcontractor an interest penalty if payments are not made in a timely manner, and include a clause requiring each subcontractor to include these clauses in each of its subcontractors and to require each of its subcontractors to include similar clauses in their subcontracts.

These requirements are imposed by Public Law 100-496, the Prompt Payment Act Amendments of 1988.

Contracting officers will be notified if the contractor withholds amounts from subcontractors/suppliers after the Government has already paid the contractor the amounts withheld. The contracting officer must then charge the contractor interest on the amounts withheld from subcontractors/suppliers. Federal agencies could not comply with the requirements of the law if this information were not collected.

## B. Annual Reporting and Recordkeeping Burden

Data from the Federal Procurement Data System (FPDS) regarding fixed price construction contracts for Fiscal Year (FY) 2011 revealed that the number of affected contracts and, therefore, respondents has been reduced from the previously approved information collection. Time required to assemble and prepare notification or certification regarding withhold is estimated at .11 hours per notice. This estimate is based on the assumption that some construction contractors will be required to notify the Government of withholding and others will have to provide their payment certification, and

that 2,679 contractors under a total of 4,450 contracts will have to notify the Government 11 times per year. This estimate assumes automation of contractor records. The recordkeeping burden is based on the revised number of contracts for FY11 and the estimated hours from the previously approved collection.

### Annual Reporting Burden

*Respondents:* 2,679.  
*Responses per Respondent:* 18.27.  
*Total Responses:* 48,950.  
*Hours per Response:* .11.  
*Total Burden Hours:* 5,384.

### Annual Recordkeeping Burden

*Recordkeepers:* 4,450.  
*Hours per Recordkeeper:* 18.  
*Total Recordkeeping Burden Hours:* 80,100.

*Obtaining Copies of Proposals:* Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501-4755. Please cite OMB Control No. 9000-0102, Prompt Payment, in all correspondence.

Dated: January 18, 2013.

**William Clark,**

*Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Governmentwide Policy.*

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Docket 2012-0076; Sequence 39; OMB Control No. 9000-0053]

### Federal Acquisition Regulation; Submission for OMB Review; Permits, Authorities, or Franchises

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension of a previously existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a

previously approved information collection requirement concerning permits, authorities, or franchises for regulated transportation. A notice was published in the **Federal Register** at 77 FR 55475, on September 10, 2012. One respondent submitted comments.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulations (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before February 25, 2013.

**ADDRESSES:** Submit comments identified by Information Collection 9000-0053, Permits, Authorities, or Franchises, by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0053, Permits, Authorities, or Franchises". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0053, Permits, Authorities, or Franchises" on your attached document.

- *Fax:* 202-501-4067.
- *Mail:* General Services

Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 9000-0053, Permits, Authorities, or Franchises.

*Instructions:* Please submit comments only and cite Information Collection 9000-0053, Permits, Authorities, or Franchises, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael O. Jackson, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA (202) 208-4949 or email [michaelo.jackson@gsa.gov](mailto:michaelo.jackson@gsa.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Purpose

The FAR requires insertion of clause 52.247-2, Permits, Authorities, or Franchises, when regulated transportation is involved. The clause requires the contractor to indicate whether it has the proper authorization from the Federal Highway Administration (or other cognizant regulatory body) to move material. The contractor may be required to provide copies of the authorization before moving material under the contract. The clause also requires the contractor, at its expense, to obtain and maintain any permits, franchises, licenses, and other authorities issued by State and local governments. The Government may request to review the documents to ensure that the contractor has complied with all regulatory requirements.

## II. Discussion and Analysis

One respondent submitted a comment related to the submission of medical errors. The comment is not within the scope of this information collection requirement.

## III. Annual Reporting Burden

The estimated annual reporting burden has decreased from what was published in the **Federal Register** at 74 FR 56640, on November 2, 2009. The decrease is based on a revised estimate of the number of respondents, responses per year and response time per response. According to Fiscal Year 2011 Federal Procurement Data System (FPDS) data, 3,877 contracts were awarded to 1021 unique vendors under the North American Industry Classification System (NAICS) code 484 for trucking, where the requirements for this collection would apply. It is estimated that a maximum of 25%, or 255 of these vendors would be required to provide the information required by the clause. The information need only be gathered and submitted on an exception basis. We estimate that any respondent will be required to submit supporting information only one time annually. In addition, we think that it will take the contractor only one half hour to pull existing franchises or permits from the files.

*Respondents:* 255.

*Responses per Respondent:* 1.

*Annual Responses:* 255.

*Hours per Response:* 0.5.

*Total Burden Hours:* 128.

*Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417,

telephone (202) 501-4755. Please cite OMB Control No. 9000-0053, Permits, Authorities, or Franchises, in all correspondence.

Dated: January 17, 2013.

**William Clark,**

*Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Docket 2012-0076; Sequence 46; OMB Control No. 9000-0083]

#### Federal Acquisition Regulation; Submission for OMB Review; Qualification Requirements

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of reinstatement request for an information collection requirement regarding an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Qualification Requirements. A notice was published in the **Federal Register** at 77 FR 51784, on August 27, 2012. One respondent submitted comments.

**DATES:** Submit comments on or before February 25, 2013.

**ADDRESSES:** Submit comments identified by Information Collection 9000-0083, Qualification Requirements, by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0083, Qualification Requirements". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0083, Qualification Requirements" on your attached document.

- *Fax:* 202-501-4067.
- *Mail:* General Services

Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 9000-0083, Qualification Requirements.

**Instructions:** Please submit comments only and cite Information Collection 9000-0083, Qualification Requirements, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Patricia Corrigan, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, (202) 208-1963 or [patricia.corrigan@gsa.gov](mailto:patricia.corrigan@gsa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

FAR subpart 9.2 and the associated clause at FAR 52.209-1, implement the statutory requirements of 10 U.S.C. 2319 and 41 U.S.C. 3311, which allow an agency to establish a qualification requirement for testing or other quality assurance demonstration that must be completed by an offeror before award of a contract. Under the qualification requirements, an end item, or a component thereof, may be required to be prequalified. The clause at FAR 52.209-1, Qualification Requirements, requires offerors who have met the qualification requirements to identify the offeror's name, the manufacturer's name, source's name, the item name, service identification, and test number (to the extent known). This eliminates the need for an offeror to provide new information when the offeror, manufacturer, source, product or service covered by qualification requirement has already met the standards specified by an agency in a solicitation.

The contracting officer uses the information to determine eligibility for award when the clause at 52.209-1 is included in the solicitation.

Alternatively, items not yet listed may be considered for award upon the submission of evidence of qualification with the offer.

##### B. Analysis of Public Comments

One respondent submitted public comments on the extension of the previously approved information collection. The analysis of the public comments is summarized as follows:

**Comment:** The respondent commented that the extension of the information collection would violate the fundamental purposes of the Paperwork