

Preferred Suppliers (*i.e.*, suppliers that have demonstrated exemplary performance, at the corporate level, in the areas of cost, schedule, performance, quality, and business relations).

The proposed policy is now in the conceptual stage. After consideration of the comments, DON may publish a draft proposed policy letter for additional public comments.

### C. Proposed Policy Letter Concepts

The general outline of the pilot phase of the PSP, to be established under the proposed policy letter, is set forth below.

DASN (A&LM) shall be responsible for the assessment of contractors under the PSP. DASN (A&LM) will confer PSS at the corporate level, and will not rate individual affiliates or subdivisions of corporations.

DASN (A&LM) shall use the Contractor Performance Assessment Reporting System (CPARS) as the baseline data during the pilot phase of the PSP. In the course of the pilot phase, DON also will identify other sources of data, including information available to Navy program offices and government contract administration organizations that the Department may use to supplement CPARS data in implementing the PSP. The factors that DASN (A&LM) will use to assess contractors during the pilot phase include, at a minimum, the following CPARS areas:

- Technical (Quality of Product).
- Schedule.
- Cost Control.
- Management Responsiveness.
- Management of Key Personnel.
- Utilization of Small Business.
- Other CPARS Factors as Appropriate.

DASN (A&LM) shall assess Energy Efficiency for all contractors as an "excellence factor," in addition to the areas above.

During the pilot phase of the PSP, DON will use a 5-star system based upon the 5-color ratings used in CPARS, as follows:

CPARS	PSP
Red .....	0
Yellow .....	1
Green .....	2
Purple .....	3
Dark Blue .....	4

DON will use the CPARS conversion table above, based upon CPARS data, and, as appropriate, other sources of information and weighting factors. Contractors must achieve at least a 3-Star rating to be designated as a Preferred Supplier.

If a contractor provides documentation sufficient to establish that it has an Energy Efficiency Program, it will receive an additional star, up to a maximum rating of 5 Stars. A 5-Star rating can only be achieved if the contractor maintains an active Energy Efficiency Program, and otherwise has received a 4-Star rating. Failure to demonstrate an active Energy Efficiency Program will not diminish the contractor's PSP rating.

During each fiscal year, DASN (A&LM) shall reassess and rate the top 25 DON contractors. The top 25 DON contractors will be determined by the value of contract awards for the most recent fiscal year. Other contractors may apply to join the PSP. DASN (A&LM) shall evaluate all applicants currently eligible for assessment in CPARS using the same process as it does to evaluate the top 25 contractors. DASN (A&LM) will establish a 30-day application period that will begin no later than October 1, annually.

In negotiating contracts with Preferred Suppliers, DON contracting officers will be authorized to offer some or all of the following more favorable contract terms and conditions:

- More favorable progress payments.
- Recognition of PSS in the development of profit or fee based upon weighted guidelines.
- Tailored contract reporting requirements.
- Special award fee pools.

PSS shall not be used as a factor or sub-factor in any source selection. However, where the contracting officer has a reasonable belief that a Preferred Supplier may submit a bid or proposal, the solicitation shall contain terms and conditions that will be applicable, after award, only if the successful offeror is a Preferred Supplier.

These special terms and conditions, applicable to contracts with Preferred Suppliers, shall be consistent with the limitations specified in regulations promulgated pursuant to the Federal Acquisition Regulatory System.

### D. Solicitation of Public Comment

DON invites interested parties from both the public and private sectors to provide comments for consideration in the formulation of a policy letter establishing the PSP. In particular, DON seeks to better understand how to incentivize contractors, at the corporate level, to achieve sustained superior performance in the areas of cost, schedule, performance, quality, and business relations. Accordingly, DON welcomes feedback regarding the following questions.

1. What clauses are currently being used in government subcontracts, and commercial contracts and subcontracts, to incentivize superior performance, at the corporate level, in the areas of cost, schedule, performance, quality, and business relations?

2. What solicitation provisions, contract clauses, and performance incentives will provide contractors with the greatest motivation to achieve PSS?

3. Energy Efficiency is a critical DON requirement significantly impacting the successful achievement of DON's missions. How should a contractor's use of energy, as it relates to the entire life-cycle of a product—design, manufacture, use, maintenance, and disposal—be considered in the designation of Preferred Suppliers?

4. Is there any other aspect of the proposed PSP on which you wish to comment?

Dated: May 18, 2010.

**A.M. Vallandingham,**

*Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.*

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## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before June 24, 2010.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395-5806 or e-mailed to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) with a cc: to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov).

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or

waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: May 19, 2010.

**James Hyler,**

*Acting Director, Information Collection Clearance Division, Regulatory Information Management Services Office of Management.*

#### **Office of Postsecondary Education**

*Type of Review:* New.

*Title:* American Indian Tribally Controlled Colleges and Universities Program

*Frequency:* Annually.

*Affected Public:* Not-for-profit institutions.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 31.

*Burden Hours:* 368.

*Abstract:* The information is required of institutions of higher education that apply for grants under the Tribally Controlled Colleges and Universities Program authorized under Title III, Part A of the Higher Education Act of 1965, as amended. This information will be used in making funding recommendations.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 4301. When you access the information collection,

click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to the Internet address [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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#### **DEPARTMENT OF EDUCATION**

##### **Notice of Proposed Information Collection Requests**

**AGENCY:** Department of Education.

**SUMMARY:** The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before July 26, 2010.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the

need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 20, 2010.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.*

##### **Office of Special Education and Rehabilitative Services**

*Type of Review:* Extension.

*Title:* Protection and Advocacy for Assistive Technology (PAAT) Program Assurances.

*Frequency:* Annually.

*Affected Public:* Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 57.

*Burden Hours:* 9.

*Abstract:* This information collection instrument will be used by grantees to request funds to carry out the PAAT program. PAAT is mandated by the Assistive Technology Act of 1998, as amended in 2004 (AT Act), to provide protection and advocacy services to individuals with disabilities for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 4306. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.