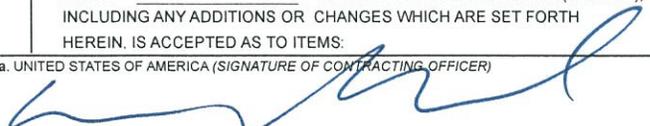


<b>SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS</b> <i>OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, &amp; 30</i>				1. REQUISITION NUMBER REQ-4100-16-0005		PAGE OF 1 8	
2. CONTRACT NO. CPSC-D-15-0004		3. AWARD/ EFFECTIVE DATE	4. ORDER NUMBER 0009		5. SOLICITATION NUMBER		6. SOLICITATION ISSUE DATE
7. FOR SOLICITATION INFORMATION CALL:		a. NAME Patricia Folts		b. TELEPHONE NUMBER (301) 504-7674 (No collect calls)		8. OFFER DUE DATE/LOCAL TIME ET	
9. ISSUED BY CONSUMER PRODUCT SAFETY COMMISSION DIV OF PROCUREMENT SERVICES 4330 EAST WEST HWY ROOM 523 BETHESDA MD 20814			CODE FMPS	10. THIS ACQUISITION IS <input checked="" type="checkbox"/> UNRESTRICTED OR <input type="checkbox"/> SET ASIDE: % FOR: <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> HUBZONE SMALL BUSINESS <input type="checkbox"/> SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS WOMEN-OWNED SMALL BUSINESS <input type="checkbox"/> (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED SMALL BUSINESS PROGRAM <input type="checkbox"/> EDWOSB <input type="checkbox"/> 8(A)		NAICS: SIZE STANDARD:	
11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE		12. DISCOUNT TERMS Net 30		13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700) <input type="checkbox"/>		13b. RATING	
15. DELIVER TO CONSUMER PRODUCT SAFETY COMMISSION DIRECTORATE FOR ECONOMIC ANALYSIS 4330 EASTWEST HIGHWAY ROOM 723-02 BETHESDA MD 20814			CODE EC	16. ADMINISTERED BY CONSUMER PRODUCT SAFETY COMMISSION DIV OF PROCUREMENT SERVICES 4330 EAST WEST HWY ROOM 523 BETHESDA MD 20814		14. METHOD OF SOLICITATION <input checked="" type="checkbox"/> RFQ <input type="checkbox"/> IFB <input type="checkbox"/> RFP	
17a. CONTRACTOR/OFFEROR INDUSTRIAL ECONOMICS INCORPORATED 2067 MASS AVE STE 4 CAMBRIDGE MA 02140			CODE	18a. PAYMENT WILL BE MADE BY CPSC Accounts Payable Branch AMZ 160 P. O. Box 25710 Oklahoma City OK 73125		CODE FMFS	
17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER <input type="checkbox"/>				18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED <input type="checkbox"/> SEE ADDENDUM			
19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES			21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	DUNS Number: [REDACTED] COR: Bill Zamula 301-504-7709   wzamula@cpsc.gov  Task Order 0009 to contract CPSC-D-15-0004 is hereby issued to conduct an initial regulatory flexibility analysis for booster seats in accordance with the attached Statement of Work and the contractor proposal (dated April 25, 2016) for the period of April 29, 2016 through February 28, 2017. <i>(Use Reverse and/or Attach Additional Sheets as Necessary)</i>						
25. ACCOUNTING AND APPROPRIATION DATA 0100A16DSE-2016-1412500000-EXHR004100-252H0						26. TOTAL AWARD AMOUNT (For Govt. Use Only) \$35,443.96	
27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4, FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA				27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA			
28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED.				29. AWARD OF CONTRACT: _____ OFFER DATED _____ YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS: _____			
30a. SIGNATURE OF OFFEROR/CONTRACTOR				31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER) 			
30b. NAME AND TITLE OF SIGNER (Type or print)		30c. DATE SIGNED		31b. NAME OF CONTRACTING OFFICER (Type or print) Eddie Ahmad		31c. DATE SIGNED 4/29/16	

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
0001	Initial Regulatory Flexibility Analysis for Booster Seats  The total amount of award: \$35,443.96. The obligation for this award is shown in box 26.	1	EA	35,443.96	35,443.96

32a. QUANTITY IN COLUMN 21 HAS BEEN  
 RECEIVED     INSPECTED     ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: \_\_\_\_\_

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE    32c. DATE    32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE    32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE

33. SHIP NUMBER    34. VOUCHER NUMBER    35. AMOUNT VERIFIED CORRECT FOR    36. PAYMENT    37. CHECK NUMBER  
 PARTIAL     FINAL     COMPLETE     PARTIAL     FINAL

38. S/R ACCOUNT NUMBER    39. S/R VOUCHER NUMBER    40. PAID BY

41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT    42a. RECEIVED BY (*Print*)  
 41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER    41c. DATE    42b. RECEIVED AT (*Location*)  
 42c. DATE REC'D (*YY/MM/DD*)    42d. TOTAL CONTAINERS

**CPSC-D-15-0004 - Task Order 9**  
**Initial Regulatory Flexibility Analysis for Booster Seats**

**A. BACKGROUND INFORMATION**

The Danny Keysar Child Product Safety Notification Act, section 104 of the Consumer Product Safety Improvement Act of 2008 (“CPSIA”), requires the U.S. Consumer Product Safety Commission (“CPSC” or “the Commission”) to: (1) examine and assess voluntary safety standards for durable infant or toddler products, and (2) promulgate mandatory consumer product safety standards that are substantially the same as the voluntary standards or more stringent than the voluntary standards if the Commission determines that more stringent standards would further reduce the risk of injury associated with these products.

Section 104(f) of the CPSIA defines “durable infant or toddler products” as “durable products intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.” “Booster chairs,” also known as “booster seats” were specifically mentioned as a durable infant or toddler product in section 104(f)(2)(C).

As a result of the CPSIA, the Commission has adopted by reference numerous voluntary ASTM International (“ASTM”) standards for durable infant or toddler products. Some voluntary standards were adopted without modification. For others, the Commission approved changes to the voluntary standard to make the mandatory standard more stringent.

Section 104 of the CPSIA also requires the Commission to consult with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts to examine and assess the effectiveness of the voluntary standards. This consultation process began for booster seats in June 2015. Staff began by analyzing the incident data for hazard patterns and evaluating the effectiveness of the current voluntary standard (ASTM F2640-14) in addressing those hazards. As a result, CPSC staff brought several items to the ASTM booster seats subcommittee for discussion.

ASTM F2640-14 defines a booster seat as “a juvenile chair, which is placed on an adult chair to elevate a child to standard dining table height. The booster seat is made for the purpose of containing a child, up to 5 years of age, and normally for the purposes of feeding or eating. A booster seat may be height adjustable and include a reclined position.” They are not to be confused with the similarly named products used to elevate children while riding in motor vehicles.

The Regulatory Flexibility Act (“RFA”) requires that proposed rules be reviewed for their potential economic impact on small entities, including small businesses. Section 603 of the RFA requires that CPSC staff prepare an initial regulatory flexibility analysis (“IRFA”) and make it available to the public for comment when the general notice of proposed rulemaking is published. The IRFA must describe the impact of the proposed rule on small entities and identify any alternatives that may reduce the impact. Specifically, the IRFA must contain:

- a description of, and where feasible, an estimate of the number of small entities to which the proposed rule will apply;
- a description of the reasons why action by the agency is being considered;
- a succinct statement of the objectives of, and legal basis for, the proposed rule;
- a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities subject to the requirements and the types of professional skills necessary for the preparation of reports or records; and
- an identification, to the extent practicable, of all relevant federal rules which may duplicate, overlap, or conflict with the proposed rule.

The Paperwork Reduction Analysis (“PRA”) requires the same reporting and recordkeeping information as the IRFA above, but also requires additional information for large U.S. firms not included under the Small Business Administration (“SBA”) guidelines and foreign firms who export to the United States, but do not have a domestic presence. Therefore, a full market picture is requested, rather than one limited to small domestic suppliers.

## **B. OBJECTIVES**

The period of performance is ten months from the date the task is awarded. At this point, staff anticipates completion well within this time frame (the briefing is currently scheduled for December 2016). The contractor shall conduct a conference call with CPSC staff within one week after receipt of the proposed task order.

### **Subtask 1: Market Research**

The contractor shall prepare a spreadsheet and other supporting documentation for the IRFA as part of this subtask. It shall also prepare and submit a market research methodology memorandum.

The supporting documentation shall include the name and (where possible) website address for each firm identified as supplying booster seats to the U.S. market. Additional information on each firm shall include:

- 1) The type of firm (importer, manufacturer, and in some cases wholesaler or retailer);
- 2) The location of each firm (foreign/domestic) and, where relevant, information about any parent/subsidiary relationship(s) that may exist
- 3) The size of each firm
- 4) The number of booster seat models supplied to the U.S. market by each firm
- 5) An evaluation of the significance of booster seats to their product line.

Criteria for determining firm type will be provided by CPSC, with input from the contractor. Size determinations will be made based on sales revenue and employment information from financial databases according to SBA guidelines. It is possible that one or more items may not be available for some firms. CPSC will assist the contractor in determining if and when to leave the item unknown. Prior market research for booster seats compiled by the Directorate for Economic Analysis (“EC”) staff will be provided to the contractor. Only booster seats that are currently part of a suppliers’ product line should be included as part of

the market research; booster seats that are no longer being manufactured/supplied will not require modifications to meet the staff-recommended mandatory rule. Where the distinction is unclear, CPSC staff will assist the contractor in making a final determination.

The contractor shall also evaluate the degree of conformance of each firm's booster seats with the ASTM voluntary standard, as well as their degree of compliance with the staff-recommended modifications to the ASTM standard. CPSC staff will assist the contractor in understanding the staff-recommended modifications and the types of booster seats that will be impacted. As noted in guidance documents distributed as part of the earlier high chair task order, if one product model is compliant with the ASTM standard, their other product models will be as well. However, compliance with one ASTM standard does not necessarily indicate compliance with other ASTM standards. In the context of the booster seat task order, this means that if one of a firm's booster seats complies with the ASTM standard, it can be assumed that all of the firm's booster seats will comply, but compliance with the high chair standard does not necessarily mean anything for compliance with the booster seat standard. Sources of information about compliance will come from several sources, as outlined in the aforementioned guidance document, including: (1) whether the firm's booster seats are certified as compliant by the Juvenile Products Manufacturers Association ("JPMA"); (2) whether the firm claims compliance with the ASTM standard on their website or possibly retailer websites; and (3) possibly CPSC testing results, where available.

The contractor shall also, to the extent possible, evaluate each firm's likely testing costs relative to their revenue. Revenue data may be available from the same financial databases that provide sales revenue and employment data. However, other sources may be used as well, and in some cases, particularly with smaller firms, revenue data may be unavailable. An estimate of the cost of testing to the voluntary standard and/or the proposed mandatory standard would most likely be collected from entities directly involved in the testing, such as manufacturer/importers, test laboratories, and JPMA. The contractor will work with CPSC staff to make the appropriate determinations.

Additionally, the contractor shall collect information on booster seat product characteristics for each booster seat model supplied by each firm to the U.S. market (based on preliminary market research, staff anticipates approximately 60 firms). These characteristics include:

- (1) Price – This will be collected as a low-high range of prices for the booster seats in each firm's product line. The price for each model is not necessary. In many cases, the range may be based on the manufacturer's recommended retail price, but sometimes that is not readily available and on-line price quotes may be used instead.
- (2) Method of attachment to adult chair – Many booster seats attach with belts or other straps, but some attach using the child's weight, a rougher surfaced base to prevent slippage, or even suction cups. Given that attachment methods are one area being considered for revision by CPSC staff and ASTM, this will be important information to capture for each product model.
- (3) Construction material – This will mostly be wood or plastic and the difference may impact warning labels and the cost of modifying them.

- (4) Food-service or home-use – This will be an important factor to capture, as the potential impact on food-service booster seat suppliers is expected to be similar to that found with high chairs.

The market research supporting documentation shall also include an estimate of national sales. Data that may be used to make this estimate will be provided to the contractor by CPSC. However, additional data may be independently collected by the contractor for this purpose as well.

Finally, the contractor shall assist CPSC in developing a summary table (similar to those supplied in earlier 104 rule examples) that breaks out all firms based on the following categories: foreign/domestic, manufacturer/importer, small/large, and degree of compliance (with an allowance for unknowns). This information shall be used to verify the numbers in the IRFA, as well as answer questions during the review process.

### **Subtask 2: Monitor Voluntary Standard Development Meetings**

One member of the contractor's team shall attend the day of the ASTM meetings at ASTM headquarters in West Conshohocken, Pennsylvania in early fall 2016 (late September or early October) when the booster seat subcommittee is scheduled to meet. The contractor, along with CPSC staff in attendance, shall meet with booster seat firm representatives during meeting breaks to line up respondents for the questionnaire discussed in Subtask 3. The contractor shall provide notes for the booster seat portion of the meeting.

Additionally, the contractor may be asked to monitor up to nine hours of ASTM booster seat subcommittee task meeting conference calls (calls may last up to three hours each, although the majority last around one hour). CPSC staff will inform the contractor of the time and date of the conference calls that would be beneficial for the contractor to monitor, as well as the subject matter of those meetings. CPSC staff will also keep the contractor informed of the progress made in ASTM booster seat task group meetings in which the contractor does not participate.

### **Subtask 3: Develop and Conduct Booster Seat Industry Questionnaire**

The contractor shall prepare a draft set of questions for the firm(s) that shall allow the contractor to evaluate the potential impact of the draft proposed rule on booster seat suppliers. Questions shall address third party testing costs, tooling costs, and additional costs for labor and materials to comply with the proposed mandatory standard. The questionnaire may also include, as appropriate, questions about other potential impacts on product design, such as changes in the utility or aesthetics of the product. Questions might also address total industry sales, market shares for individual companies, and product trends. The draft questionnaire, as well as the list of firms to be contacted, shall be submitted to the CPSC for review prior to any contacts being made. Actual contacts will be limited to nine or fewer suppliers and shall include a representative sample of the marketplace within the constraint of being limited to nine or fewer interviews on a given question. CPSC staff will work with the contractor to determine the best contact method for individual firms. The contractor will prepare a log for each interview, including question responses and any relevant comments volunteered by the respondents on the industry in general and conformance to the booster

seat standard in particular. The contacts may be conducted either over the telephone, via email, or in person.

**Subtask 4: Prepare an Initial Regulatory Flexibility Analysis (“IRFA”)**

The contractor shall provide a baseline analysis using information collected as part of the first three subtasks, as well as information provided by CPSC staff, team meetings, or as part of other booster seat NPR briefing package memos. The contractor shall include the baseline analysis in their IRFA. Alternatives presented shall consist of feasible changes in the assumptions and quantitative assessments of their impact on the baseline. The contractor shall provide spreadsheets for the baseline analysis that will allow CPSC to conduct future sensitivity analyses about various assumptions.

**Government Furnished Materials:** Notes and information collected from internal and external meetings about the development of a booster seat standard. Other memos prepared for the NPR briefing package (*e.g.* engineering, health sciences, human factors, epidemiology, etc.). Earlier market research conducted by EC staff. Preliminary results from the Durable Nursery Products Exposure Study. Injury Cost Model estimates of medically treated injuries and product population estimates for booster seats, if required. Financial reports as needed (and if available). CPSC staff will work closely with the contractor to ensure that the IRFA reflects the most recent staff recommendations, including the preparation of some supporting sections, per the IRFA development process currently being used for gates, changing tables, and inclined sleepers.

**C. DELIVERY OR PERFORMANCE**

- a. The Contractor shall appoint a lead program manager with overall responsibility for performance under the contract. The lead program manager shall be the single point of interface with the government for all matters concerning technical progress and problems, performance, schedule, resources, and other work-related matters.
- b. The following items shall be performed or delivered in accordance with the following schedule:

ITEM	QUANTITY	DELIVERY OR PERFORMANCE
(1) Conference call	1	Within 1 week after award of task order
(2) Draft market research – spreadsheet and other supporting documentation, and well as market research methodology memorandum	1	Within 6 weeks after award of task order
(3) Attend day of ASTM booster seats subcommittee meeting	1	Fall 2016
(4) Monitor various ASTM task meetings	As needed	
(5) Develop draft questionnaire	1	Within 9 weeks after award of task order
(6) Final questionnaire and contact list	1	Within 2 weeks after receiving EC comments

ITEM	QUANTITY	DELIVERY OR PERFORMANCE
(7) Conduct questionnaire	Up to 9 interviews on the same topic	Start within 1 week of receiving EC comments on final questionnaire and contact list
(8) Final market research – spreadsheet and other supporting documentation, and well as final market research methodology memorandum	1	Within 5 weeks after receiving EC comments on draft market research
(9) Rough Draft IRFA and, if applicable, updated supporting market research	1 copies	Within 2 weeks of receiving a summary of the staff’s recommended modifications to the voluntary standard
(10) Preliminary Draft IRFA and, if applicable, updated supporting market research	2 copies	Within 1 week after receiving EC comments and supporting memos
(11) Final draft IRFA, as well as final supporting market research	2 copies	Within 1 week after receiving second round of comments on the preliminary draft IRFA from CPSC

CPSC staff will review the draft questionnaire (5), the final questionnaire (6), and the rough draft IRFA (9) within one week. CPSC staff will review the preliminary draft IRFA (10) within two weeks and the draft market research (2) within four weeks.

All supporting data used in the preparation of the reports shall be provided in either Excel spreadsheets or Word documents. Reports shall be delivered according to the schedule above. Reports shall be emailed to William Zamula ([wzamula@cpsc.gov](mailto:wzamula@cpsc.gov)), preferably in some version of Microsoft Word. Technical questions or clarifications about the documents should be directed to William Zamula at 301-504-7709 (voice), 301-504-0109 (fax), or [wzamula@cpsc.gov](mailto:wzamula@cpsc.gov).