

SUPPORTING STATEMENT  
FORMS RELATING TO FDIC OUTSIDE COUNSEL,  
LEGAL SUPPORT, AND EXPERT SERVICES PROGRAMS  
(OMB. No. 3064-0122)

INTRODUCTION

The FDIC requests OMB approval to continue with revision the above-captioned information collection. The collection has a current expiration date of March 31, 2007.

The information collected enables the FDIC to ensure that all individuals, businesses and firms seeking to provide legal support services to the FDIC meet the eligibility requirements established by Congress. The information is also used to manage and monitor payments to contractors, document contract amendments, expiration dates, billable individuals, minority law firms, and to ensure that law firms, experts, and other legal support services providers are in compliance with statutory and regulatory requirements. As currently approved, this collection consists of 30 forms. The requested revisions would eliminate eight of these forms.

A. JUSTIFICATION

1. Circumstances and Need

The Federal Deposit Insurance Act (the “Act”) authorizes the FDIC to enter into contracts using private sector contractors to provide goods or services (12 USC 1819). The Act and its implementing regulation also set forth certain minimum standards of contractor competence, experience, fitness, and integrity (12 USC 1822(f)(4), 12 CFR Part 366), and mandate inclusion, to the extent possible, of women and minorities and women- and minority-owned entities in all contracts (12 U.S.C. 1833e, 12 CFR Part 361).

The FDIC Legal Division has developed the forms in this collection to facilitate its procurement of and payment for outside counsel, expert, and legal support services and to ensure compliance with the aforementioned statutory and regulatory requirements.

2. Use of the Information Collected

The information collected is used to permit the FDIC to make determinations with respect to disqualifying conditions or conflicts of interest, to budget and reimburse for services, to assess cost-effectiveness, to measure progress, and to monitor the participation of women and minorities in legal services contracts.

3. Use of Technology to Reduce Burden

In accordance with the Government Paperwork Elimination Act, which directs that agencies allow the option of electronic filing and recordkeeping by October 2003, when practicable, the forms in this collection are on the FDIC's external web site, available for on-line completion and electronic submission, as well as view-and-print capability.

4. Efforts to Identify Duplication

The information collected does not duplicate information existing elsewhere.

5. Minimizing Burden on Small Entities

The forms have been designed to minimize burden on small entities, limiting the questions to those minimally necessary to obtain sufficient information to establish program eligibility and to reimburse legal contractors for services and expenses.

6. Consequences of Less Frequent Collection

The forms are required when a law firm, expert or other legal support services provider enters into a contractual agreement with the FDIC, when changes occur that affect the contractor's initial representations, and when the contractor seeks payment for services and/or expenses. Less frequent collection would compromise the FDIC's ability to ensure compliance with statutory and regulatory requirements, and to effectively monitor contract compliance and expenditures. The information is collected only on an as-needed basis.

7. Special Circumstances

There are no special circumstances.

8. Consultation with Persons outside the FDIC

A "first" Federal Register notice of the proposed revision was published on December 26, 2006. No comments were received.

9. Payment or Gift to Respondents

No payments or gifts to respondents are involved in this collection.

10. Confidentiality

The forms are subject to the normal confidentiality provisions of the Freedom of Information Act and the Privacy Act.

11. Information of a Sensitive Nature

Questions about prior convictions, patterns or practices of defalcation, and prohibitions from participating in banking activities are required by the RTC Completion Act statute.

12. Estimate of Annual Burden

<u>FDIC Document</u>	<u>Hours</u>	<u>Respondents</u>	<u>Burden Hours</u>
<del>5000/24</del>	<del>.50</del>	<del>25</del>	<del>12.5</del>
<del>5000/25</del>	<del>.50</del>	<del>9</del>	<del>4.5</del>
5000/26	.50	85	42.5
<del>5000/27</del>	<del>.50</del>	<del>20</del>	<del>10</del>
<del>5000/28</del>	<del>.75</del>	<del>12</del>	<del>9</del>
<del>5000/29</del>	<del>.75</del>	<del>9</del>	<del>6.75</del>
5000/31	.50	376	188
<del>5000/32</del>	<del>.75</del>	<del>330</del>	<del>247.5</del>
5000/33	.50	63	31.5
<del>5000/34</del>	<del>.50</del>	<del>12</del>	<del>6</del>
5000/35	.50	722	361
<del>5000/36</del>	<del>.75</del>	<del>694</del>	<del>520.5</del>
5200/01	.75	500	500
5210/01	0.5	100	50
5210/02	0.5	55	22.5
5210/03	1.0	50	50
5210/03A	1.0	50	50
5210/04	1.0	200	200
5210/04A	1.0	200	200
5210/06	1.0	100	100
5210/06(A)	1.0	100	100
5210/08	0.5	240	120
5210/09	1.0	100	100

5210/10	1.0	100	100
5210/10(A)	1.0	100	100
5210/11	1.0	100	100
5210/12	1.0	100	100
5210/12A	1.0	100	100
5210/14	0.5	100	100
5210/15	.50	25	12.5
<b>Total</b>	<b>24.5</b>	<b>3,558</b>	<b>2,735.25</b>

13. Capital, Start-up, Operating, and Maintenance Cost Burden

No capital, start up, operating or maintenance costs are involved.

14. Estimated Annual Cost to Federal Government

The estimated annual cost to the Federal Government is de minimis due to low reproduction requirements and minimal time associated with processing.

15. Reason for Change in Burden

The reduction in burden of -784 hours is a program change due to the elimination of eight forms. The table (question 12 above) identifies which forms have been eliminated.

16. Publication

The information collected will not be published.

17. Display of Expiration Date

No special requirements for the display of expiration dates is requested.

18. Exceptions to Certifications

There are no exceptions to the certifications.

Attachments

A. Legal Authority: 12 U.S.C. Sections 1819(a) and 1822(f) (3-4), 12 CFR Part 366, 12 CFR Part 361

B. Forms

- (1) 5000/26, Non-Litigation/Transactional Budget Form
- (2) 5000/31, Amended Litigation Budget
- (3) 5000/33, Amended Non-Litigation/Transactional Budget
- (4) 5000/35, Litigation Budget
- (5) 5200/01, Representations and Certifications Qualifications of Applicants: Law Firms and Sole Practitioners
- (6) 5210/01, Expert Invoice for Fees and Expenses (EIF&E)
- (7) 5210/02, Legal Support Services (LSS) Provider Invoice for Fees and Expenses
  
- (8) 5210/03, Agreement for Services (Expert Legal Support Services (LSS) Provider Amendment
- (9) 5210/03A, Agreement for Services (Expert or Legal Support Services Provider) Amendment
- (10) 5210/04, Agreement for Services (Expert/Legal Support Services (LSS) Provider Rate Schedule
- (11) 5210/04A, Agreement for Services (Expert/Legal Support Services Provider Rate Schedule (Cont'))
- (12) 5210/06, Legal Services Agreement Amendment
- (13) 5210/06(A), Legal Services Agreement Amendment Continuation Sheet
- (14) 5210/08, Expert Budget
- (15) 5210/09, Representation and Certifications for Experts and Legal Support Services providers FDIC
- (16) 5210/10, Outside Counsel Legal Services Agreement Rate Schedule
- (17) 5210/10(A), Outside Counsel Legal Services Agreement (Cont')
- (18) 5210/11, Legal Invoice for Fees and Expenses
- (19) 5210/12, Firm Travel Voucher
- (20) 5210/12A, Firm Travel Voucher (Continuation Sheet)
- (21) 5210/14, Oral Representations and Certifications for Expert Legal Support Services
- (22) 5210/15, Legal Support Services (LSS) Provider Budget Form