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## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

**Note:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320/8(b)(3). Appear at the end of the instructions. The certification is to be made with reference to those regulatory provisions as set forth in the instructions.

The following is a summary of the topics, regarding the proposed collections of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of the information;
  - (iii) burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to collected (see note in item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in item 18 of the Supporting Statement.

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Signature of Program Official:

Date:

X  
Waite H. Madison, Director, Office of Labor Relations

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Signature of Senior Officer or Designee:

Date:

X  
Lillian L. Deitzer, PRA Officer  
Office of the Chief Information Officer

# Supporting Statement for Paperwork Reduction Act Submissions

## A. Justification

1. 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 collection of information.

This information collection concerns two (2) related, but separate, purposes.

1. Public housing agencies (PHAs), Tribally-designated housing entities (TDHEs), and the Department of Hawaiian Homelands (DHHL) are required to ensure that maintenance laborers and mechanics employed in the operation of HUD-assisted low-income or affordable housing are paid no less than prevailing wages that are determined or adopted by HUD (Section 12(a), U.S. Housing Act of 1937, as amended; Sections 104(b) and 805(b) of the Native American Housing Assistance and Self-Determination Act of 1996, as amended). Except that TDHEs may, at their discretion, implement tribally determined prevailing maintenance wage rates which would apply in place of HUD-determined or – adopted wage rates. HUD determines or adopts a schedule of prevailing maintenance wage rates for each PHA, TDHE (except for those TDHEs that implement tribally-determined prevailing wage rates), and the DHHL, annually, coinciding with the agency’s fiscal year. In order to ensure that the wage rates are reflective of current labor market conditions for that locality, HUD requests that each PHA, TDHE and the DHHL submit a recommendation of prevailing wage rates for HUD consideration. PHA, TDHE, and DHHL recommendations may be based on a wide variety of labor market indicators including, at the discretion of the PHA, TDHE, or DHHL, the results of a wage survey that the PHA, TDHE or DHHL may conduct of maintenance employers in their operating jurisdiction. In addition, HUD may conduct a maintenance wage rate survey in the absence of a PHA/TDHE/DHHL recommendation or to evaluate a recommendation that has been provided by a PHA, TDHE or DHHL.

HUD highly encourages PHAs, TDHEs or the DHHL to submit a recommendation. In the absence of an agency recommendation, HUD will issue a prevailing wage rate schedule based upon its own actions, which may include a maintenance wage survey conducted by HUD. Participation in any maintenance wage survey conducted by a PHA, TDHE, DHHL, or HUD is voluntary on the part of maintenance employers. Maintenance wage rate recommendations, survey summaries and survey responses must be retained by PHAs, TDHEs, the DHHL, and HUD to document compliance with the statutory labor standards provisions.

2. Employers engaged on HUD-assisted construction and maintenance projects subject to Federal labor standards must pay no less than the wages determined to be prevailing by the Secretary of Labor (for construction work) or determined to be prevailing by the Secretary of HUD (for maintenance work) to all laborers and mechanics engaged on such work. Occasionally, the applicable wage decision schedule does not contain a prevailing wage rate for all classifications of work needed to complete the project. In such cases, the employer that will utilize the classification(s) missing from the wage decision must propose a wage rate for such classification(s) for the consideration of the Department of Labor (DOL) or HUD, as appropriate. The employer must submit its request in writing; there is no form specified or required for employer submissions. HUD and local agencies that administer HUD-assisted projects use the form HUD-4230A to record and submit employer additional classification and wage rate requests to DOL when DOL approval is required.

This information collection facilitates the addition of needed work classifications and wage rates for the work involved. Information collection related to construction work is required by DOL regulations at 29 CFR 5.5.

2. 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.

1. Maintenance wage rate recommendations and, if applicable, survey data gathered by HUD is used by HUD to determine or adopt prevailing maintenance wage rates. In the event a PHA, TDHE, or the DHHL conducts a wage survey, the information is used by the agency to formulate its recommendation to HUD.

2. Employer requests for additional work classifications and wage rates are used by HUD and local agencies administering HUD programs so that so that an appropriate wage rate can be approved by DOL for construction work or by HUD for maintenance work. HUD and local agencies use form HUD-4230A to report employer request(s) to the DOL when DOL approval is needed. The employer may complete a HUD-4230A or may otherwise submit its request in writing to HUD or the local agency involved; HUD or the local agency transcribes the employer's request to a HUD-4230A for submission to the DOL.

3. 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, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.
1. In order to assist PHAs, TDHEs and the DHHL submit prevailing wage rate recommendations and, if they choose, to conduct and evaluate the results of a maintenance wage survey, and to assist HUD personnel in the conduct and evaluation of a maintenance wage survey, HUD offers three optional forms: Maintenance Wage Rate Recommendation (HUD-4750); Maintenance Wage Rate Survey (HUD-4751); and Maintenance Wage Survey Summary Sheet (HUD-4752). These forms are offered in fillable formats; the survey form (HUD-4751) may be transmitted electronically. Use of the HUD forms is optional for PHAs, TDHEs and the DHHL. Any of these agencies may otherwise use any form or format that suits its needs and purposes provided that the maintenance wage rate recommendation is submitted to HUD in writing, bears the signature of the agency executive director or his/her designee, and provides a wage rate(s) for each maintenance work classification that is expected to be employed.
  2. The form HUD-4230A is available in a fillable format and may be transmitted to HUD electronically. However, the signature of the employer making the request must be provided (either on a hard copy of the form or on separate paper containing the work classifications and wage rates involved) to ensure that the form accurately reflects the employer's request.
4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.
1. There are numerous sources of information concerning wage rate data and other economic indicators that are widely available and that may have relevance to prevailing maintenance wage rates in a specific locality. HUD could access any of the numerous existing sources of wage rate information. However, HUD would not be readily able to assess the relevance, if any, of these data to a specific locality, a specific agency and the specific maintenance positions that will be utilized. Further, none of the existing sources would provide to HUD the recommendation of the agency, which is the purpose of this information collection.

HUD considers that PHAs, TDHEs, and the DHHL are best situated to assess economic conditions in their community and are the best source for prevailing maintenance wage rate recommendations. Since these agencies are the best resource, HUD affords PHAs, TDHEs, and the DHHL agencies maximum flexibility in developing prevailing wage rate recommendations. HUD encourages each agency to consider any data that it deems are relevant and useful, including existing information. At the same time, HUD does not limit any agency's considerations by prescribing or proscribing any particular information source or methodology.

2. For additional classifications and wage rates, the employer involved has the right to make its own proposal as to the wage rate(s) that should be established for the additional work classification(s) it will employ. Other information that does not originate with the employer is not relevant to the employer's right to make its request.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I) describe any methods used to minimize burden.
- The information collections do not adversely impact small businesses or other small entities.
6. 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 maintenance or construction work could be delayed or suspended and/or the responsible employer could be found in violation of Federal labor standards and could be required to pay wage restitution to affected workers.
7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
- requiring respondents to report information to the agency more than quarterly;
  - requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
  - requiring respondents to submit more than an original and two copies of any document;
  - requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
  - in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;
  - requiring the use of a statistical data classification that has not been reviewed and approved by OMB;

- 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; or
- requiring respondents to submit proprietary trade secret, 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.

None known.

8. 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 5 CFR 1320.8(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 by the agency in response to these comments. Specifically address comments received on cost and hour burden.
- Describe efforts to consult with persons outside the agency 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 the data elements to be recorded, disclosed, or reported.
  - Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that preclude consultation in a specific situation. These circumstances should be explained.

The agency's notice announcing this collection of information appeared in the Federal Register on August 26, 2009 (Volume 74, No. 164, Page 43149). One response was received offering three comments. The first comment suggests that HUD publish maintenance wage determinations on a website. HUD agrees with the suggestion but lacks the resources to create and maintain such a website. Should such resources become available, HUD will consider implementing the suggestion. The second comment appears to presume that HUD requires PHAs to conduct employer surveys or reference a website to support its recommendation, and that these requirements are time consuming and frustrating. This presumption is incorrect. As noted in the responses to Items 1 and 4, PHAs may base recommendations on a wide variety of labor market indicators, including at the discretion of the PHA, a wage survey. HUD strives to afford PHAs maximum flexibility in developing prevailing wage rate recommendations. The last comment requests that the threshold for Davis-Bacon and HUD-determined maintenance prevailing wage applicability be increased from \$2,000 to perhaps \$5,000. The Davis-Bacon threshold is established in the Davis-Bacon Act; HUD does not have the discretion to change this figure. There are no thresholds established in law for maintenance wage rates, however, HUD has adopted the \$2,000 threshold for maintenance contracts.

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

There are no payments or gifts to respondents.

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

There is no assurance of confidentiality provided to respondents EXCEPT that the identity of any employer that participates in maintenance wage rate surveys will NOT be released without the prior consent of that employer. Participant identity is exempt from release under the Freedom of Information Act (5 USC 552 (b)(4)(1)).

11. 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 the agency 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.

There are no questions of a sensitive nature related to this information collection.

12. 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, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally estimates should not include burden hours for customary and usual business practices;
- if this request covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I; and
- 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 in Item 13.

#### 1. Maintenance Wage Rates - Estimated Burden Hours and Cost to Respondents (PHAs/TDHEs/DHHL):

##### Maintenance Wage Recommendation HUD Form 4753

Estimated Number of Respondents:	3,400
Frequency of Response (per annum):	1
Burden Hours per Response:	4

Total Burden Hours: 13,600

\*Survey Form - Employer Responses HUD Form 4751

Estimated Number of Respondents: : 1,800  
Frequency of Response (per annum): 1  
Burden Hours per Response: 4  
Total Burden Hours: 7,200

\*Survey Summary - Agency Evaluation HUD Form 4752

Estimated Number of Surveys: 300  
Frequency of Review (per annum): 1  
Burden Hours per Review: 8  
Total Burden Hours: 2,400

Recordkeeping (hours per annum): 3,400

Total Number of Respondents: 5,200  
Total Annual Burden Hours: 26,600  
\*\*Cost per Hour: \$15.00  
Total Annual Cost: \$399,000

\* Based on a possible 300 surveys per year; and an estimated 6 employer responses per survey.

\*\*Estimated cost per hour for respondent's staff to review the instructions and provide requested information.

2. Additional Classification and Wage Rate - Estimated Burden Hours and Cost to Respondents:

Estimated Number of Respondents: 500  
Frequency of Response (per annum): On occasion  
Total Number of Responses: 500  
Burden Hours per Response  
(including recordkeeping): 1  
Total Annual Burden Hours: 500  
\*Cost per Hour: \$15.00  
Total Annual Cost: \$7,500

\*Estimated cost per hour for respondent's staff to review the instructions and provide requested information (includes time required for records retention).

Total Burden Hours (#1 and #2): 27,100 Total Annual Cost (#1 and #2): \$399,500

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information (do not include the cost of any hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s) and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities;
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10) utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- generally, estimates should not include purchases of equipment or services, or portions thereof made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no additional capital or start-up costs. There are no total operation and maintenance purchases of service components required for collecting this information.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

1. Maintenance Wage Rates -

Number of Respondents:	3,400
Staff Hours per Response:	1
Total Annual Burden:	3,400
*Cost per Hour:	\$34.00
Total Annual Cost:	\$115,600

2. Additional Classifications and Wage Rates

Number of Respondents:	500
Staff Hours per Response:	.5
Total Annual Burden:	250
*Cost per Hour:	\$34.00
Total Annual Cost:	\$8,500

Total Burden Hours (#1 and #2): 3,650                      Total Annual Cost (#1 and #2): \$124,100

\*Cost per hour based on general hourly rate for GS-13.

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

Regarding Item 13, the overall decreases in burden hours and costs relative to surveys involves more accurate estimates of the amount of time needed for employers to respond to a survey request (+ 3,600) and more appropriate calculations for the burden on the agency to evaluate survey responses - based on the number of surveys rather than the number of employer responses (-12,000). Regarding Item 14, the increased costs reflect 2009 versus 2006 staff wage rates.

16. For collection of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The information gathered from this collection will not be published.

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

HUD is not seeking approval to avoid displaying the expiration date for this information collection.

18. Explain each exception to the certification statement identified in item 19.

There are no exceptions to the Certification Statement identified in item 19 of the OMB 83-I. The certification provisions identified in items a through j have been satisfied within this supporting statement, therefore there are no exceptions to the certification statement.

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**B. Collections of Information Employing Statistical Methods**

See attached sheet.

