

National Credit Union Administration
SUPPORTING STATEMENT

**Contractor Budget (NCUA 3249a) and
Contractor Representations and Certifications (NCUA 3249b)
OMB No. 3133-0189**

A. JUSTIFICATION

1. Circumstances that make the collection of information necessary.

The NCUA developed two forms for collecting information from prospective outside legal counsel. (1) NCUA 3249a, Contractor Budget, relates to a budget or estimate of the legal fees, costs, and expenses that outside counsel would expect to invoice on a particular legal matter. (2) NCUA 3249b, Contractor Representations and Certifications, covers firm profile and expertise, malpractice insurance, price determination and contract solicitation methods, equal opportunity, lobbying, invoices, and conflicts of interest.

The NCUA will use the information to fulfill its role as regulator, conservator, and liquidating agent for federally insured credit unions. The information will also facilitate compliance with Section 342 of Dodd-Frank and enable voluntary compliance with the statutes and regulations identified above. The NCUA's Office of General Counsel will use the information to further standardize the data it uses to select outside counsel, consider additional criteria in making its selections, and improve efficiency and record keeping related to its selection process.

The NCUA collects this information to comply with Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Pub. L. 111-203 ("Dodd-Frank"). Although NCUA is exempt from the PRA when acting as the liquidating agent, the NCUA will voluntarily comply with and require compliance from its outside legal counsel with the following statutes and regulations: 38 U.S.C. 4212 and 41 CFR 60-300.5; 41 CFR Parts 60-1 and 60-2; 31 U.S.C. 1352; and 41 U.S.C. 3301 and 3901.

2. Purpose and use of the information collection.

NCUA will provide the forms to prospective outside legal counsel when soliciting proposals for legal advice and assistance with respect to its authorities and activities in both its agency capacity and its capacity as conservator or liquidating agent for federally insured credit unions. Prospective legal counsel must submit the completed forms to NCUA in order to be considered for a particular engagement. The information will enable the NCUA to further standardize the data it uses to select outside counsel, consider additional criteria in making its selections, and improve efficiency and record keeping related to its selection process.

3. Use of information technology.

Respondents will receive electronic copies of forms on which they can submit the requested information. Respondents will be able to fill out the forms electronically and submit them electronically or in hard copy, at their discretion. Using electronic means will reduce burden and cost and facilitate NCUA's record keeping.

4. Duplication of information.

Respondents must submit updated information in response to each solicitation, if they wish to offer services. NCUA will send only one solicitation notice to a respondent and the respondent will have one point of contact with NCUA for submission and follow-up to prevent duplication.

5. Efforts to reduce burden on small entities.

NCUA will require all respondents, regardless of size, to submit the same information for NCUA to consider their offer of services. The information request minimizes burden for all respondents by requiring the minimum amount of information necessary to assess a respondent's qualifications with respect to required services and to ensure legal compliance.

6. Consequences of not conducting the collection.

Respondents will respond to the request for information in connection with NCUA's solicitation of legal services. The responses may occur only once or be periodic, with intervals ranging from a few months to years, depending on the matter and respondent. NCUA would be significantly less likely to consider a respondent's offer of services without up-to-date certifications on matters such as malpractice insurance, minority profile, and compliance with lobbying restrictions. If NCUA did not request the information at the times specified above, it would risk falling short of its statutory and fiduciary duties as regulator, conservator, and liquidating agent for federally insured credit unions.

7. Inconsistencies with guidelines in 5 CFR 1320.5(d)(2).

This collection is consistent with the guidelines outlined in 5 CFR 1320.5(d)(2).

8. Efforts to consult with persons outside the agency.

A 60-day notice was published in the *Federal Register* on September 12, 2023 at 88 FR 62604, soliciting comments from the public. No public comments were received in response to that notice. A 30-day notice was published in the *Federal Register* on December 7, 2023 at 88 FR 85327.

9. Payment or gifts to respondents.

No payments or gifts will be made to respondents.

10. Assurance of confidentiality.

There is no assurance of confidentiality other than those provided by law. .

11. Questions of a sensitive nature.

No questions of a sensitive nature are asked. Personally identifiable information (PII) is not collected.

12. Burden of information collection.

NCUA estimates the average time needed to complete the forms used for the information collection will be 2 hours jointly for the Contractor Budget and Contractor Representations and Certifications. NCUA estimates it will receive approximately 100 responses annually to the information collection, which equates to an annual hour burden of 200. NCUA arrived at these estimates by evaluating the time it believes a respondent will need to provide the information, by comparing its evaluation to similar estimates by other agencies, and approximating the number of solicitations for outside counsel that it has made in prior years.

Forms	# Responses	# Responses Per Respondent	# Annual Responses	Hours Per Response	Total Burden
Form 3249a, Contractor Budget	50	1	50	0.5	25
Form 3249b, Contractor Representations and Certifications	50	1	50	1.5	75
Total					100

NCUA estimates the annual labor cost will be approximately \$31,500 based on the national average hourly billing rate for attorneys of \$315.

13. Capital start-up or on-going operation and maintenance costs.

There are no capital start-up or on-going operation and maintenance costs.

14. Annualized costs to the Federal Government.

<u>Staff</u>	
Office of General Counsel	
Paralegal Specialist	\$3,480
Attorneys.....	\$5,000
Printing, Assembly, and Mailing.....	<u>\$250</u>
 TOTAL ANNUAL FEDERAL GOVERNMENT COST:.....	 \$8,730

The estimate of annual costs to the Federal Government includes all costs associated with the collection, processing, and distribution of information. Staff costs include time for a

Paralegal Specialist to compile and organize information submitted in a central database. Staff costs also include the time required to prepare the collection forms, submit the information collection to OMB for approval, and update collection forms.

15. Changes in burden.

The burden has decreased since the number of respondednats decreased.

16. Information collection planned for statistical purposes.

The information is not planned for publication.

17. Request non-display of the expiration date of the OMB control number.

The OMB control number and expiration date associated with this PRA submission will be displayed on the Federal Government's electronic PRA docket at www.reginfo.gov.

18. Exception to the certification statement.

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods.

This collection does not employ statistical methods.