

SUPPORTING STATEMENT
ACQUISITION SERVICES INFORMATION REQUIREMENTS
(OMB Control No. 3064-0072)

INTRODUCTION

The Federal Deposit Insurance Corporation (FDIC) is requesting a revision of the information collection associated with Acquisition Services Information Requirements (OMB Control No. 3064-0072). The collection of information involves the submission of various documents by contractors who wish to do business with the FDIC or are currently under contract with the FDIC, and by government agencies or commercial businesses that provide FDIC with past performance information. The current clearance for the collection of information expires on June 30, 2028. The FDIC is revising Form 7400/04A of this information collection by removing certain language and questions in the form to comply with Executive Order 14151. The decreased burden is due to the removal of Questions 3, 4, and 7.

A. JUSTIFICATION

1. Circumstances that make the collection necessary:

The Federal Deposit Insurance Act (12 U.S.C. Section 1819) empowers the FDIC to enter into contracts using private sector contractors to provide goods or services. This Act also provides that FDIC may promulgate policies and procedures to administer the powers granted to it, including the power to enter into contracts. The authority to establish policies and procedures and generate the contracting program has been delegated by the Board of Directors to the Director, Division of Administration. Therefore, pursuant to such policies, the Acquisition and Corporate Services Branch, Division of Administration, FDIC Headquarters in Washington D.C., has developed forms and clauses to facilitate the procurement of goods and services from private sector contractors.

In order to obtain competitive proposals and contracts from vendors interested in providing goods or services to the FDIC, the FDIC uses the Solicitation/Award request (Form 3700/55). This form is completed by the FDIC and is used in connection with a request for proposal and a request for price quotations.

In anticipation of a particular contract solicitation, the FDIC may first conduct market research to narrow down the list of potential contractors. This is done through an RFI. Following the RFI process, potential firms may be notified if they are to be included in the next phase of the acquisition process.

The FDIC Background Investigation Questionnaire for Contractor Personnel and Subcontractors (Form 1600/04), Background Investigation Questionnaire for Contractors (Form 1600/07), Integrity and Fitness Representations and Certifications (Form 3700/12),

and Leasing Representations and Certifications (Form 3700/44) are a result of the implementation of 12 CFR Part 366. The FDIC adopted 12 CFR Part 366 (Part 366) pursuant to Section 12(f)(3) and (4) of the Federal Deposit Insurance Act, 12 U.S.C. 1822(f)(3) and (4), and the rulemaking authority of the FDIC found at 12 U.S.C. 1819. Pursuant to those sections and consistent with the goals and purposes of titles 18 and 41 of the U.S. Code, Part 366 establishes the minimum standards of integrity and fitness that contractors, subcontractors, and employees of contractors and subcontractors must meet if they perform any service or function on behalf of the FDIC. Part 366 includes regulations governing conflicts of interest, ethical responsibility, and use of confidential information in accordance with 1822(f)(3); and the prohibitions and the submission of information in accordance with 1822(f)(4). Part 366 applies to a person who submits an offer to perform or performs, directly or indirectly, a contractual service or function on behalf of the FDIC.

In addition, the evaluation of an offeror's past performance under formal contracting procedures is a mandatory technical evaluation criterion in the FDIC's standard solicitation document. In support of the evaluation of the past performance criterion, the FDIC Past Performance Questionnaire (Form 3700/57) was developed to be submitted by other government agencies or commercial businesses who are doing business, or have done business, with the contractor that the FDIC is evaluating.

The FDIC Contractor Representations and Certifications form (Form 3700/04A) must be completed by any offeror that responds to a solicitation for an award over \$100,000.

Finally, in connection with a contract proposal, the FDIC seeks a commitment from an FDIC contractor to ensure, to the maximum extent possible consistent with applicable law, the fair inclusion of minorities and women in its workforce and the workforces of its applicable subcontractors. The commitment is asserted by the FDIC Fair Inclusion of Minorities and Women, which is a contract clause implementing Section 342(c)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5452). The clause asserts the FDIC's right to request documentation from the contractor that demonstrates the contractor's good faith effort to include minorities and women in its workforce and subcontractors' workforces.

2. Use of the Information

The information requested is used to determine the qualifications, fitness and integrity of contractors wishing to enter into contracts or leases with the FDIC and to obtain past performance information pertaining to specific contractors. The forms have legal significance since their submission represents formal offers and/or averments, which, if fraudulent, are punishable under provisions of both civil and criminal law. The past performance information collected is used to compare and evaluate technical capabilities of multiple offerors. Such evaluations may take place on items ranging in complexity from routine office equipment to highly specialized services.

3. Consideration of the use of improved information technology:

Respondents may use any information technology that permits review by FDIC. Electronic copies of the certain forms are available on FDIC's external website. These forms can be used by contractors that propose on FDIC contracts, contractors doing business with FDIC, and government agencies or commercial businesses that provide past performance information to FDIC.

4. Efforts to Identify Duplication

The information collected does not duplicate information existing elsewhere. In addition, the FDIC uses option provisions in contracts when an increase in the same or similar products and services can be reasonably anticipated. This approach eliminates excessive solicitation of the same or similar items when competition was used initially and a determination that the price obtained through the option is reasonable.

5. Methods used to minimize burden if the collection has a significant impact on a substantial number of small entities:

The amount of information collected varies with the competitiveness and complexity of the procurement. The number of entities considered small, according to the Small Business Administration, is difficult to estimate given that acquisition services vary greatly. However, in general, procurement requirements are less complex for small firms. Therefore, the amount of information collected from a small firm is generally less burdensome than for a major solicitation responded to by a large firm.

6. Consequences to Less Frequent Collections

The information is collected on an "as needed" basis to support legislative requirements. It would not be possible for FDIC to conduct acquisition services in accordance with applicable law if the information is not collected on the occasions required.

7. Special circumstances necessitating collection inconsistent with 5 CFR 1320.5(d)(2):

None.

8. Consultation with Persons Outside the FDIC

FDIC published a notice in the Federal Register informing the public of its intent to renew this information collection and seeking public comment. That notice was published on March 2, 2026 (91 FR 10093). The FDIC received two similar comments from the same individual. The commenter noted that the FDIC's current contracting representations "fail to screen vendors for participation in Systemic ERISA and Fiduciary Fraud." The commenter suggested that the FDIC "update its Integrity and Fitness Representations

(Form 3700/12) to include the ‘RDS Scrutiny Standard’” which would require vendors to certify they are not “utilizing ‘Ghost Mortality’ models”, disclose control of union trusts and auditing firms, and disclose if they have received or processed federal outlays (USDA, SBA, or APTC credits) “under the identities of deceased participants.”

The FDIC has carefully considered this comment and determined that its current Integrity and Fitness Representation form is sufficient and does not need to be updated.

On May 20, 2026, the FDIC published a second notice in the Federal Register (91 FR 29483) informing the public that the agency is submitting a request to OMB for the revision of this information collection. That notice provides for an additional 30-day comment period and if any comments are received, FDIC will address them as instructed by OMB.

9. Payment or Gifts to Respondents

None.

10. Any assurance of confidentiality:

Information will be kept confidential to the extent allowed by law. Any information deemed to be of a confidential nature would be exempt from public disclosure in accordance with the provisions of the Freedom of Information Act (5 U.S.C. 552).

11. Justification for questions of a sensitive nature:

The forms related to this information collection contain Personally Identifiable Information, including name, address, telephone number, customer account number and/or social security number. This information is necessary to assist the FDIC in determining the qualifications, fitness and integrity of contractors wishing to enter into contracts or leases with the FDIC and to obtain past performance information pertaining to specific contractors. The Systems of Records Notices associated with this collection may be viewed at the following link: <https://www.fdic.gov/regulations/laws/rules/2000-4000.html>. The applicable Privacy Impact Assessment is available at <https://www.fdic.gov/about/privacy/assessments.html>.

12. Estimate of Hour Burden Including Annualized Hourly Costs:

Table 1. Summary of Estimated Annual Burden (OMB No. 3064-0072)					
Information Collection (IC) (Obligation to Respond)	Type of Burden (Frequency of Response)	Number of Respondents	Number of Responses per Respondent	Time per Response (HH:MM)	Annual Burden (Hours)
1. Request for Proposal	Reporting	634	1	10:36	6,720

and Request for Quotation - Solicitation/Award (Form 3700/55) (Required to Obtain or Retain Benefits)	(On Occasion)				
2. Request for Information (Voluntary)	Reporting (On Occasion)	104	1	55:24	5,762
3. Background Investigation Questionnaire for Contractor Personnel and Subcontractors (Form 1600/04), 12 CFR 366 (Required to Obtain or Retain Benefits)	Reporting (On Occasion)	581	1	00:20	194
4. Background Investigation Questionnaire for Contractors (Form 1600/07), 12 CFR 366 (Required to Obtain or Retain Benefits)	Reporting (On Occasion)	223	1	00:30	112
5. Leasing Representations and Certifications (Form 3700/44), 12 CFR 366 (Required to Obtain or Retain Benefits)	Reporting (On Occasion)	40	1	01:00	40
6. Past Performance Questionnaire (Form 3700/57) (Required to Obtain or Retain Benefits)	Reporting (On Occasion)	474	1	00:45	356
7. Contractor Representations and Certifications (Form 3700/04A) (Required to Obtain or Retain Benefits)	Reporting (On Occasion)	1	1	00:35	1
8. Integrity and Fitness Representations and Certifications (Form 3700/12) (Required to Obtain or Retain Benefits)	Reporting (On Occasion)	1	1	00:20	0
9. Prize Competitions - Application (Required to	Reporting (On Occasion)	1	1	01:00	1

Obtain or Retain Benefits)					
10. Prize Competitions - Proposal (Required to Obtain or Retain Benefits)	Reporting (On Occasion)	1	1	60:00	60
11. Innovation Pilot Programs - Application (Required to Obtain or Retain Benefits)	Reporting (On Occasion)	1	1	20:00	20
12. Innovation Pilot Programs - Proposal (Required to Obtain or Retain Benefits)	Reporting (On Occasion)	1	1	60:00	60
Total Annual Burden (Hours):					13,326
Source: FDIC.					

Note: The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB's consolidated information system.

Summary of Hourly Burden Cost Estimate (OMB No. 3064-0072)								
Information Collection (IC) (Obligation to Respond)	Hourly Weight (%)	Percentage Shares of Hours Spent by and Hourly Compensation Rates for each Occupation Group (by Collection)						Estimated Hourly Compensation Rate
		Exec. & Mgr. (\$146.13)	Lawyer (\$182.07)	Compl. Ofc. (\$77.07)	IT (\$110.91)	Fin. Anlst. (\$100.28)	Clerical (\$39.39)	
1. Request for Proposal and Request for Quotation (includes Basic Safeguards) - Solicitation/Award (Form 3700/55) (Required to Obtain or Retain Benefits)	53.27	50	50	0	0	0	0	\$164.10
2. Request for	39.46	50	50	0	0	0	0	\$164.10

Information (Voluntary)								
3. Background Investigation Questionnaire for Contractor Personnel and Subcontractors (Form 1600/04), 12 CFR 366 (Required to Obtain or Retain Benefits)	1.52	50	50	0	0	0	0	\$164.10
4. Background Investigation Questionnaire for Contractors (Form 1600/07), 12 CFR 366 (Required to Obtain or Retain Benefits)	0.88	50	50	0	0	0	0	\$164.10
5. Leasing Representations and Certifications (Form 3700/44), 12 CFR 366 (Required to Obtain or Retain Benefits)	0.31	50	50	0	0	0	0	\$164.10
6. Past Performance Questionnaire (Form 3700/57) (Required to Obtain or Retain Benefits)	2.69	50	50	0	0	0	0	\$164.10
7. Contractor Representations and Certifications (Form 3700/04A) (Required to Obtain or Retain Benefits)	0.01	50	50	0	0	0	0	\$164.10
8. Integrity and Fitness Representations and Certifications (Form 3700/12) (Required to Obtain or Retain	0.00	50	50	0	0	0	0	\$164.10

Benefits)								
9. Prize Competitions – Application (Required to Obtain or Retain Benefits)	0.01	50	50	0	0	0	0	\$164.10
10. Prize Competitions – Proposal (Required to Obtain or Retain Benefits)	0.47	50	50	0	0	0	0	\$164.10
11. Innovation Pilot Programs - Application (Required to Obtain or Retain Benefits)	0.16	50	50	0	0	0	0	\$164.10
12. Innovation Pilot Programs - Proposal (Required to Obtain or Retain Benefits)	0.47	50	50	0	0	0	0	\$164.10
Weighted Average Hourly Compensation Rate:								\$164.10

Total Estimated Cost Burden (OMB No. 3064-0072)			
Information Collection Request	Annual Burden (Hours)	Weighted Average Hourly Compensation Rate	Annual Respondent Cost
Acquisition Services Information Requirements	13,326	\$164.10	\$2,186,797
Total Annual Respondent Cost:			\$2,186,797
Source: FDIC.			

13. Capital, Start-up, Operating, and Maintenance Estimate of Start-up Costs to Respondents.

None.

14. Estimate of annualized costs to the government

None.

15. Reason for Change in Burden

The FDIC has revised Form 7400/ 04A by removing certain language and questions in the form to comply with Executive Order 14151. These revisions resulted in a slight reduction in the time to respond for IC #7 from 45 minutes to 35 minutes.

16. Information regarding collections whose results are planned to be published for statistical use:

The results of this collection will not be published for statistical use.

17. Display of Expiration Date

Not applicable.

18. Exceptions to Certification Statement

None.

B. STATISTICAL METHODS

Not applicable.