

Federal Acquisition Regulation (FAR)
Prospective Subcontractor Requests for Bonds
OMB Control No. 9000-0135
Justification - Part A Supporting Statement

FAR section affected: 52.228-12

Overview of Information Collection:

This justification supports clearance of an extension of the collection.

There are no program changes. The FAR requirements remain the same. This extension includes adjustments to the burden due to use of the latest procurement data available in the System for Award Management (SAM) at SAM.gov (formerly FPDS.gov), and the calendar year 2026 Office of Personnel Management (OPM) General Schedule (GS) wage rates for the rest of the United States as explained in item 15.

1. Need & Method for the Information Collection. Part 28 of the FAR contains guidance related to obtaining financial protection against losses under Federal contracts (e.g., bonds, bid guarantees, etc.). Part 52 contains the corresponding provisions and clauses. These collectively implement the statutory requirement for Federal contractors to furnish payment bonds under construction contracts subject to 40 U.S.C. chapter 31, subchapter III, Bonds. This information collection is mandated by section 806(a)(3) of Public Law 102-190, as amended by sections 2091 and 8105 of the Federal Acquisition Streamlining Act of 1994 (10 U.S.C. 4601 note prec.) (Pub. L. 103-335). Accordingly, the FAR clause at 52.228-12, Prospective Subcontractor Requests for Bonds, requires prime contractors to promptly provide a copy of a payment bond, upon the request of a prospective subcontractor or supplier offering to furnish labor or material under a construction contract for which a payment bond has been furnished pursuant to 40 U.S.C. chapter 31.
2. Use of the Information. Given that payment bonds (in conjunction with performance bonds) are used to secure the contractor's obligations (thereby assuring that payments are made to subcontractors and vendors under the contract), the requester will use information on payment bonds to determine whether to engage in business with that prime contractor.
3. Use of Information Technology. Federal agencies use

information technology to the maximum extent practicable. Where both the Government agency and contractors are capable of electronic interchange, contractors may submit this information collection requirement electronically.

4. Non-duplication. These requirements are issued under the FAR, which has been developed to standardize Federal procurement practices and eliminate unnecessary duplication.
5. Burden on Small Business. The burden applied to small businesses is the minimum consistent with Public Law 102-190, as amended by Public Law 103-335, which applies to construction contracts subject to 40 U.S.C. chapter 31. While this information is also available from the contracting officer, the statute placed responsibility upon the prime contractor for provision of information to prospective subcontractors or suppliers. The statute imposes the same requirement on both large and small businesses.
6. Less Frequent Collection. Collection of information on a basis other than contract-by-contract is not practical.
7. Paperwork Reduction Act Guidelines. Collection is consistent with guidelines in 5 CFR 1320.5(d)(2).
8. Consultation and Public Comments.
 - A. A 60-day notice was published in the *Federal Register* at 91 FR 27052, on May 13, 2026. A comment was received; however, it did not change the estimate of the burden.

Comment: The respondent strongly supports the extension of the information collection, as access to payment bond information protects prospective subcontractors on federal construction projects.

Response: The FAR Council appreciates the feedback received.
 - B. A 30-day notice was published in the *Federal Register* at 91 FR 52696, on August 14, 2026.
9. Gifts or Payment. This collection does not provide any payment or gift to respondents, other than remuneration of contractors.
10. Privacy & Confidentiality. This information is disclosed only to the extent consistent with prudent business practices,

current regulations, and statutory requirements.

11. Sensitive Questions. No sensitive questions are involved.

12. Burden Estimate.

Estimated total annual public hour and cost burden.

The following estimates are based on averages of historical procurement data available in SAM.gov for fiscal years 2023 through 2025. Accordingly, a total of 279 construction contracts over \$150,000 (and therefore subject to this collection) were awarded by the General Services Administration. It is estimated that each prime contractor has an average of 10 subcontractors (279 x 10) resulting in a total universe of 2,790 subcontractors. Of that universe, it is estimated that 25% of the subcontractors would request information on surety bonds, resulting in 698 (25% of 2,790) responses by the prime contractor. It is also estimated that it would take an average of 20 minutes to accommodate each request, resulting in 238 burden hours.

General Services Administration

Estimated respondents/yr.....	279
Responses annually.....	x 2.5
Total annual responses.....	698
Estimated hrs/response.....	x .34
Estimated total burden hrs.....	238
Hourly rate*.....	x \$72
Estimated cost to the public.....	\$17,136

* **Note:** The hourly rate is calculated by applying a 36.25 percent fringe factor and a 12 percent overhead factor to a base hourly rate and then rounding to the nearest whole dollar. The base hourly rate is derived from the OPM 2026 GS Locality Pay Table for the rest of the U.S. ("Salary Table 2026-RUS"). The fringe factor is derived from OMB memorandum M-08-13. The overhead factor is derived from the OMB Circular No. A-76 Revised Supplemental Handbook. For a GS-12/step 5, the base hourly rate is \$48.61 and loaded rounding to the nearest whole dollar is \$72.

13. Estimated nonrecurring costs. Not applicable.

14. Estimated cost to the Government. Given that the information requester is typically a potential vendor or subcontractor

(not the Government), and that the information provider is the prime contractor, the Government will not incur any administrative costs with this collection.

15. Reasons for changes. There are no program changes. The FAR requirements remain the same. This extension includes adjustments to the public burden estimates based on the following:
- The estimated number of respondents and responses per year is based on historical procurement data available in SAM.gov for fiscal years 2023 through 2025 for the General Services Administration.
 - The estimated cost per hour is based on use of the calendar year 2026 OPM GS wage rate for the rest of the United States.

	2023 Estimate	2026 Estimate	Change in Burden
Number of respondents	317	279	-38
Total annual responses	793	698	-95
Total burden hours	270	238	-32
Total annual cost to public	18,090	17,136	-\$954

16. Publicizing Results. Results will not be tabulated or published.
17. OMB Not to Display Approval. Approval to *not* display the expiration date for OMB approval of the information collection is not sought.
18. Exceptions to "Certification for Paperwork Reduction Submissions." There is no exception to the certification statement.
19. Surveys, Censuses, and Other Collections that Employ Statistical Methods. Statistical methods are not used in this information collection. A Part B supporting statement is not needed, or required, and therefore was not completed.

<u>FY</u>	<u>GSA No. of const. contracts</u>
2023	257
2024	336
2025	245
Average	279