NATIONAL ASSOCIATION OF SURETY BOND PRODUCERS
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May 28, 2026

Ms. Janet Fry
Director, Federal Acquisition Policy Division,
Office of Governmentwide Acquisition Policy,
Office of Acquisition Policy,
Office of Governmentwide Policy

RE: OMB Control No. 9000-0135, Prospective Subcontractor Requests for Bonds.

Submitted via www.regulations.gov,

Dear Ms. Fry:

On behalf of the National Association of Surety Bond Producers (NASBP), a national trade association of agencies employing surety bond producers, who place surety bonds to guarantee performance of federal construction and other contracts, NASBP submits the following comments concerning *OMB Control No. 9000-0135, Prospective Subcontractor Requests for Bonds*. NASBP strongly supports this collection of information requirement and urges its extension, as NASBP views access to payment bond information as essential to inform and protect prospective subcontractors considering working on federal construction projects.

The federal government long has recognized the importance of surety bonding requirements on federal construction contracts. The Miller Act, (40 U.S.C. §§3131-3134) enacted in 1935, and related regulations, require that payment and performance bonds be secured on federal construction contracts more than $150,000. The performance bond assures the federal government and U.S. taxpayers that the construction contract will be performed fully in accordance with its terms and conditions. The payment bond provides invaluable payment protection to parties furnishing labor and/or materials on federal construction contracts. Subcontractors and suppliers rely on the payment bond in the event of non-payment of the prime contractor. Subcontractors cannot lien public property, so the payment bond may be their only practical means to gain payment, especially in the event of the insolvency of the prime contractor. With the ability to request and obtain copies of payment bonds, prospective subcontractors gain assurance of the presence of those critical payment protections and, therefore, have confidence to furnish sub bids and to reduce or eliminate contingencies in such bids, benefiting overall project costs.

NASBP notes the strong support given by federal acquisition and policy agencies regarding this information collection requirement. Specifically, the Office of Federal Procurement Policy (OFPP), the Department of Defense (DoD), the General Services Administration (GSA), and the National Aeronautics and Space Administration (NASA) all express support that the Office of Management and Budget (OMB) extend the requirement that subcontractors be able to receive copies of their payment bonds when requested for three additional years beyond the current expiration of October 31, 2026.

NASBP appreciates your consideration of our points, and we would be happy to answer questions or provide further information that you may request on this or other surety matters.

Yours sincerely,

Larry LeClair
Director, Government Relations