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Comment On: FAR-2026-0166-0001
Agency Information Collection Activities; Proposals, Submissions, and Approvals: Certain Federal Acquisition Regulation Part 28 Requirements

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Submitter Information

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Organization: National Association of Surety Bond Producers (NASBP)

General Comment

Attached comment letter addresses OMB Control No. 9000-0001, Certain Federal Acquisition Regulation (FAR) Part 28 Requirements

Attachments

OMB Control No 90000001 Certain Federal Acquisition Regulation Part 28 Requirements

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May 29, 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. 9000-0001, Certain Federal Acquisition Regulation (FAR) Part 28 Requirements

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. 9000-0001, Certain Federal Acquisition Regulation Part 28 Requirements*. NASBP strongly supports this collection of information requirement and urges its extension, as NASBP views the bid, performance and payment bond information as essential to inform and protect U.S. taxpayer funds, subcontractors and suppliers on federal construction projects. NASBP also expresses our strong support that the Office of Management and Budget (OMB) approve an extension to the current information collection requirement which provides that, to qualify as a surety, individuals must complete and furnish contracting officers with Standard Form 28, Affidavit of Individual Surety.

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.

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 OMB extends the use of certain sections of FAR Part 28 for additional years beyond the current expiration of January 31, 2027.

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