PART 928—BONDS AND INSURANCE

Authority: 42 U.S.C. 7101 and 50 U.S.C. 2401

Source: 49 FR 12010, Mar. 28, 1984, unless otherwise noted.

Subpart 928.1—Bonds and Other Financial Protections

928.101 Bid guarantees.

928.101-1 Policy on use.

928.103 Performance and payment bonds for other than construction contracts.

928.103-3 Payment bonds.

928.103-70 Review of performance and payment bonds for other than construction.

Subpart 928.3—Insurance

928.301 Policy.

928.370 Service-type insurance policies.

Parent topic: SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

Subpart 928.1—Bonds and Other Financial Protections

Source: 61 FR 41708, Aug. 9, 1996, unless otherwise noted.

928.101 Bid guarantees.

928.101-1 Policy on use.

In addition to the restriction on use of bid guarantees in 48 CFR 28.101-1(a), a bid guarantee may be required only for fixed price or unit price contracts entered into as a result of sealed bidding. They may not be required for negotiated contracts.

928.103 Performance and payment bonds for other than construction contracts.

928.103-3 Payment bonds.

A determination that is in the best interest of the Government to require payment bonds in connection with other than construction contracts may be made by the contracting officer on individual acquisitions.

928.103-70 Review of performance and payment bonds for other than construction.

A performance or payment bond, other than an annual bond, shall not antedate the contract to which it pertains.

Subpart 928.3—Insurance

928.301 Policy.

The DOE policies and procedures for indemnification of DOE contractors are set forth in 48 CFR part 50 and part 950.

928.370 Service-type insurance policies.

(a) Service-type insurance policies are cost-reimbursement type contracts or subcontracts in which the insurer provides claim and loss adjustment services on a cost reimbursement basis, which satisfies state and Federal insurance requirements.

(b) Service-type insurance policies may be used with contracting officer approval, when one or more of the following conditions are present—

(1) Pure risk commercial insurance is not available or, if available, cost is not considered reasonable;

(2) Inherent risks in the contract are new and a part of the process of commercialization;

(3) The service-type insurance is needed to implement jointly funded projects; or

(4) The service-type insurance arrangement is considered in the Government's best interest.