

Subguarantee versus surety bonding

By Robert W. Clontz, Jr.

It is becoming more commonplace for large general contractors to consider implementing an insurance product known as Subguarantee in lieu of requiring the more traditionally accepted performance bond. Both the subcontractors (the insureds) and the owner (typically the architect or engineer) will find Subguarantee rather than performance bond a more palatable option.

Subguarantee was developed by Eastern North American Insurance Company in 1980, as a 3-party agreement that shifts the burden of satisfying subcontractors for the insurance company as the policy specifies that the insurance company will compensate the contractor (the Subguaranteeing Insurer) in the event of a default. Further, without having had a default, the Subguaranteeing Insurer will compensate all subcontractors in general (subject to per- or non-admitted limits for aggregate amounts). The policy generally covers both new and renewal subcontractors. Subguarantee also provides coverage for indirect losses due to subcontractor default, including suspended payments, stoppage of work, etc. Finally, the policy is negotiable, usually averaging from 10% to 15% of the total contract amount.

Subguarantee typically provides protection to subcontractors for two periods:

Surety coverage: Subguarantee as a product has become more popular for the insurance industry and subcontractors looking for their qualifications and financial strength is increased. Moreover, there is no premium, according to contract, under Subguarantee for payment of subcontractors or suppliers, which would be provided by a performance bond.

Subguarantee provides a reasonable alternative for performance/bonded bonds for large general contractors who have the resources to manage subcontractors and suppliers. And the contractor will generally benefit from the lower cost of this default insurance. Conversely, smaller general contractors may be better protected by the 3-party surety relationship, i.e. through contract, through either an insured surety company when performing the job or subcontractor default. A providing company's prequalification of a contractor/subcontractor can be a valuable loss prevention measure for many contractors.

PERFORMANCE BOND

Subguarantee: Insured (general contractor) maintains the responsibility for providing financial data and other data for understanding relationship as well as the relationship to Subguaranteeing Insurer to maintain the Subguaranteeing Insurer's prequalified (and/or bonded) under the Subguarantee program.

Surety Bonds: Surety provides the underwriting and prequalification.

CONTRACTOR/CONTRACTOR/INSURER COVERAGE

Subguarantee: Coverage for the insured is provided if contract underwriting/coverage is not followed or if insured information is provided and/or otherwise.

Surety Bonds: Since the bond is provided, it remains in force and they may be required to pay for non-payment of premium.

CLAIMS SETTLEMENT

Subguarantee: Default insurance covers the general contractor responsibility for satisfying subcontractor default claims, although the contractor's relationship with the insurer is covered.

Surety Bonds: It is subcontractors that are bonded to work for the general contractor. Default, surety coverage helps resolve the claims, but with respect to claims that exceed the bond amount, the contractor is responsible.

PRICE OF BOND

Subguarantee: The Subguaranteeing Insurer's premium is 10% of the policy amount, generally not to exceed \$100,000 to \$150,000.

Surety Bonds: There is no three-party relationship or loss covered by a contract bond, but the bond generally requires an agent as the Subguaranteeing Insurer's relationship is required.

ADJUSTMENT LIMIT ON LOSS

Subguarantee: The Subguaranteeing Insurer must pay a limit of liability and limit that limit is reduced, e.g. the total policy amount of the Subguaranteeing Insurer's prequalified or the all persons are prequalified bonds.

Surety Bonds: Owner and/or general contractor may elect to have performance and payment bonds with limit of the contract amount.

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Commission**



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The Law of Payment Bonds Kevin L. Lybeck, H. Bruce Shreves, 1998 This publication has been prepared for use in conjunction with the mid winter program of the Fidelity Surety Law Committee of the Tort Insurance Practice Section of the American Bar Association held in San Francisco California on January 30 1998 P iii

Surety Bonds for Construction Contracts, 2000-01 *Payment Bond Manual*, 2006 *Surety Bonds* Edward Clark Lunt, 1922 **Practical Guide to Construction Contract Surety Claims** William Schwartzkopf, Richard Tasker, 2005-01-01 Practical Guide to Construction Contract Surety Claims Second Edition provides clear guidance on the methods procedures and case law surrounding the surety process Whether you represent the surety principal or obligee this one of a kind reference will provide you with the indispensable practical guidance and reliable tools you need to manage the surety process Practical Guide to Construction Contract Surety Claims Second Edition is logically organized around the various types of bonds payment bond bid bond performance bond as well as the claims that are asserted against those bonds and the methods of investigation and resolution of those claims It covers in detail the surety's options for resolving performance bond claims including Tender Completion by the obligee Completion by surety Financing the principal This book also addresses matters that affect the claims handling process such as Bankruptcy of the principal Claims for extra contractual damages Claims by the surety against the principal Indemnity for losses sustained by the surety The interrelationship of the surety and the insurance carriers for the construction project Valuable analysis of case law is included within the discussion of each topic and the relevant facts of key cases are highlighted where applicable Bonus Interactive CD ROM Includes All Forms and Documents This unique CD ROM contains nearly 150 forms such as sample agreements and correspondence among the parties providing the guidance you need to act quickly and protect your client's interests in any situation

The Little Black Bond Book Kara Skinner, 2018-11-28 This book is formatted as an interview with Jonathan a layperson who had no surety knowledge when the conversation began Many contractors avoid potentially profitable bonded jobs because they don't understand Surety they think bonds are too difficult or that they don't qualify My hope is that you will use this book as a handbook You might not read it cover to cover but get the general idea in the first few chapters and use the rest as a reference as needed As a reference book this might be something that you can keep in your desk or your truck when an invitation to bid or a contract or a permit leads you to think I need a bond I hope you will pull out your handy little book for reference so you're prepared when you call your surety bond producer and they ask What kind of bond do you need This book will provide enough insight for you to be confident when applying for surety credit Because surety is such an unusual and complicated financial product having just a small amount of knowledge to talk to others about the topic of surety will give you an edge over your competition To Your Success Kara Skinner

Manual of Fidelity Insurance and Corporate Suretyship Henry Griffith Penniman, 1911 *Surety Bonding* Glenn Layton Phares, 1923 *Performance Bond Manual of the 50 States*,

District of Columbia, Puerto Rico, and Federal Jurisdictions, 2006 The Little Black Bond Book Kara Skinner, 2018-11-28

This book is formatted as an interview with Jonathan a layperson who had no surety knowledge when the conversation began Many contractors avoid potentially profitable bonded jobs because they don't understand Surety they think bonds are too difficult or that they don't qualify My hope is that you will use this book as a handbook You might not read it cover to cover but get the general idea in the first few chapters and use the rest as a reference as needed As a reference book this might be something that you can keep in your desk or your truck when an invitation to bid or a contract or a permit leads you to think I need a bond I hope you will pull out your handy little book for reference so you're prepared when you call your surety bond producer and they ask What kind of bond do you need This book will provide enough insight for you to be confident when applying for surety credit Because surety is such an unusual and complicated financial product having just a small amount of knowledge to talk to others about the topic of surety will give you an edge over your competition To Your Success Kara Skinner Text Book, Fidelity Bonds, Surety Bonds, Casualty Policies United States Fidelity and Guaranty Company, 1920

Surety Bonds; Nature, Functions, Underwriting Requirements Edward Clark Lunt, 2013-09 This historic book may have numerous typos and missing text Purchasers can usually download a free scanned copy of the original book without typos from the publisher Not indexed Not illustrated 1922 edition Excerpt 275 Notes Accompanying Tabular Index 1 These bonds are deemed financial guarantees section 231 and are commonly issued only in connection with collateral security section 6 2 These bonds are deemed financial guarantees section 231 and are commonly written only in connection with collateral security section 6 or otherwise only in behalf of exceptionally responsible principals 3 These bonds are deemed desirable business when issued in behalf of principals of good character Joint control sections 189 192 is frequently necessary or desirable 4 These bonds are written freely and upon an insurance basis section 3 for the most part 5 Most surety companies prefer not to write under any conditions certain classes of bonds and they make up accordingly what they call their Prohibited List a statement of these undesired and black listed risks Surety classifications are sometimes embodied in the lists but the prohibition applies particularly to fidelity bonds since almost any surety bond however monstrous its condition would be issuable for a responsible principal or with adequate collateral There are some classes of fidelity bonds however with which it is hardly worth while to bother because no premium that the traffic will bear would cover acquisition costs losses and claim expenses that is it is clear at the outset that the bonds cannot be prudently written without a thorough investigation that a large proportion of rejections are inevitable from the nature of the case and that the paltry premium obtainable will by no means justify the necessary expenditure Sewing machine agents book canvassers and commission salesmen in general are examples of these impracticable fidelity risks The only **Rules and Regulations Governing the Filing of Surety Bonds, Certificates of Insurance, Qualifications as a Self-insurer Or Other Securities and Agreements by Motor Carriers and Brokers Subject to Part II of the Interstate Commerce Act** United States.

Interstate Commerce Commission,1960 **S. 2259, the Preferred Surety Bond Guarantee Program Act of 1988**
United States. Congress. Senate. Committee on Small Business,1988 **Public Bond Issues for New Projects** ,1958
 The Handbook of Fidelity and Surety Bonds George Robert Wentz,1928 Bond Default Manual Duncan L.
Clore,Richard E. Towle,Michael J. Sugar,2005 CD ROM includes sample forms in PDF format *Fidelity and Surety Bonds*
Handled in the Fidelity Department Fidelity and Deposit Company of Maryland,1950 **The Subrogation Database**
George J. Bachrach,1995 *Salvage by the Surety* George J. Bachrach,1998

The Top Books of the Year Subguard Versus Surety Bonding Bondpro Inc The year 2023 has witnessed a noteworthy surge in literary brilliance, with numerous captivating novels captivating the hearts of readers worldwide. Lets delve into the realm of popular books, exploring the captivating narratives that have charmed audiences this year. Subguard Versus Surety Bonding Bondpro Inc : Colleen Hoover "It Ends with Us" This touching tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Subguard Versus Surety Bonding Bondpro Inc : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Subguard Versus Surety Bonding Bondpro Inc : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens spins a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These popular novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a masterful and suspenseful novel that will keep you speculating until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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