

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 state or its agency) 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 subcontractor for its losses resulting from a subcontractor's default. Further, without having had a subguarantee for work, the subcontractor must cover all subcontractors in general (and not just an individual trade or discipline involved). The policy generally covers both first and second tier subcontractors. Subguarantee also provides coverage for indirect losses due to subcontractor default, including suspended payments, consequential loss, both the policy is comparable to surety bonding from both its terms and its cost to the insured.

Subguarantee typically provides protection to subcontractors for two periods:

Surety completion period. Subguarantee as a guarantee that payment shall be made for the subcontractor by the owner and subcontractors jointly in their joint capacity and financial strength is concerned. Moreover, there is no protection, according to contract, under Subguarantee for payment of subcontractors or suppliers, which would be provided by a performance bond.

Subguarantee can provide 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 completion, stoppage (whether or not) and surety completion when addressing the risk of 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 information on credit risk, relationship to, dependent activities or other subcontractor will be prequalified and then covered under the Subguarantee program.

Surety Bonds. Surety provides the underwriting and prequalification.

CONTRACTOR COMPLIANCE/RECORD REVIEW

Subguarantee. Compliance is required or required to obtain underwriting; contract not followed or if insured information is provided and/or determined.

Surety Bonds. Since the bond is purchased, it remains in force and they may be required to review the compliance of previous.

CLAIMS SETTLEMENT

Subguarantee. Default insurance covers the general contractor responsibility for satisfying subcontractor default claims, although the owner is responsible for the cost and payment.

Surety Bonds. If a subcontractor has been bonded to work for the general contractor directly, surety companies will resolve the claim, deal with unpaid claims and ensure that the work order contract is completed.

PRICE OF BOND

Subguarantee. The insurance cost is the 3-party policy cost generally not to exceed 1% of the contract for 10 years.

Surety Bonds. There is no three-party cost for completion or non-payment of a contract bond, but the owner generally expects to pay as the subcontractor's liability period is reached.

ACCUMULATED LIMIT ON LIABILITY

Subguarantee. The insurance cost is based on limit of liability and limit that limit is reduced, e.g. the total policy amount of the subcontractor's policy limits or the all policies are accumulated.

Surety Bonds. Owner will be given a contract may limit to have performance and payment bonds with limit of the contract amount.

Subguard Versus Surety Bonding Bondpro Inc

Edward Clark Lunt



Subguard Versus Surety Bonding Bondpro Inc:

Surety Bonds for Construction Contracts ,2000-01 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 Text Book, Fidelity Bonds, Surety Bonds, Casualty Policies United States Fidelity and Guaranty Company,1920 Surety Bonds Edward Clark Lunt,1922 *Payment Bond Manual* ,2006 **Bond Default Manual** Duncan L. Clore,Richard E. Towle,Michael J. Sugar,2005 CD ROM includes sample forms in PDF format The Law of Performance Bonds Lawrence R. Moelmann,2009 **Manual of Fidelity Insurance and Corporate Suretyship** Henry Griffith Penniman,1911 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 **Performance Bond Manual of the 50 States, District of Columbia, Puerto Rico, and Federal Jurisdictions** ,2006 **The Subrogation**

Database George J. Bachrach,1995 **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

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 **Contract Suretyship** Richard C.

Lewis,2000-02-28 Guides you step by step through the confusing world of surety bonding Obtaining performance bonds can be a long arduous frustrating process fraught with obscure legalese and endless hoops for contractors to jump through Contractors need all the help they can get in making sense of and navigating the confusing world of surety bonding Unfortunately most books on the subject are written for lawyers and provide little or no practical guidance for contractors Written by a suretyship expert with more than three decades of experience working with contractors this book fills that gap in the literature In plain English author Richard C Lewis brings surety bonding down to earth for contractors Covering all types of contracts and all forms of bonds he walks you step by step through the entire bonding process He introduces you to the various players involved and explains who is responsible for what He carefully explains the rationale behind each step the issues involved when it is required and how best to prepare for it And with the help of fascinating real life case studies Lewis describes common mistakes that can blow a deal and tells you how to avoid them He also provides invaluable insights into underwriter psychology and shows you how to work with surety company representatives to resolve any spoken or unspoken objections they may have to providing you with the surety you need Contract Suretyship is an indispensable tool of the trade for construction and contracting firm owners and managers

Aetna Casualty and Surety Company (Hartford, Conn.),1927

Underwriting Manual on Fidelity and Surety Bonds
Fidelity and Surety Bonds Handled in the Fidelity

Department Fidelity and Deposit Company of Maryland,1950

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