

28.101-1 Policy on use.

(a) A *contracting officer* shall not require a *bid guarantee* unless a performance *bond* or a performance and payment *bond* is also required (see [28.102](#) and [28.103](#)). Except as provided in paragraph (c) of this subsection, *bid guarantees* shall be required whenever a performance *bond* or a performance and payment *bond* is required.

(b) All types of *bid guarantees* are acceptable for supply or service contracts (see annual *bid bonds* and annual performance *bonds* coverage in [28.001](#)). Only separate *bid guarantees* are acceptable in connection with *construction* contracts. Agencies may specify that only separate *bid bonds* are acceptable in connection with *construction* contracts.

(c) The chief of the *contracting office* may waive the requirement to obtain a *bid guarantee* when a performance *bond* or a performance and payment *bond* is required if it is determined that a *bid guarantee* is not in the best interest of the Government for a specific *acquisition* (e.g., overseas *construction*, *emergency acquisitions*, sole-source contracts). Class waivers may be authorized by the *agency head* or designee.

Parent topic: [28.101 Bid guarantees](#).