

28.106-2

foreign countries, when a bid bond, performance or payment bond, or an individual surety is required. The bond forms shall be used as indicated in the instruction portion of each form.

- (a) SF 24, Bid Bond (see 28.101).
- (b) SF 25, Performance Bond (see 28.102-1 and 28.106-3(b)).
- (c) SF 25-A, Payment Bond (see 28.102-1 and 28.106-3(b)).
- (d) SF 25-B, Continuation Sheet (for SF's 24, 25, and 25-A).
- (e) SF 28, Affidavit of Individual Surety (see 28.203).
- (f) SF 34, Annual Bid Bond (see 28.001).
- (g) SF 35, Annual Performance Bond (see 28.104).
- (h) SF 273, Reinsurance Agreement for a Miller Act Performance Bond (see 28.202(a)(4)).
- (i) SF 274, Reinsurance Agreement for a Miller Act Payment Bond (see 28.202(a)(4)).
- (j) SF 275, Reinsurance Agreement in Favor of the United States (see 28.202(a)(4)).
- (k) SF 1414, Consent of Surety (see 28.106-5).
- (l) SF 1415, Consent of Surety and Increase of Penalty (see 28.106-3).
- (m) SF 1416, Payment Bond for Other Than Construction Contracts (see 28.103-3 and 28.106-3(b)).
- (n) SF 1418, Performance Bond for Other Than Construction Contracts (see 28.103-2 and 28.106-3(b)).
- (o) OF 90, Release of Lien on Real Property (see 28.203-5).
- (p) OF 91, Release of Personal Property from Escrow (see 28.203-5).

[48 FR 42286, Sept. 19, 1983, as amended at 54 FR 48986, Nov. 28, 1989; 61 FR 39213, July 26, 1996]

28.106-2 Substitution of surety bonds.

- (a) A new surety bond covering all or part of the obligations on a bond previously approved may be substituted for the original bond if approved by the head of the contracting activity, or as otherwise specified in agency regulation.
- (b) When a new surety bond is approved, the contracting officer shall notify the principal and surety of the

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original bond of the effective date of the new bond.

[48 FR 42286, Sept. 19, 1983, as amended at 61 FR 39213, July 26, 1996]

28.106-3 Additional bond and security.

(a) When additional bond coverage is required and is secured in whole or in part by the original surety or sureties, agencies shall use Standard Form 1415, Consent of Surety and Increase of Penalty. Standard Form 1415 is authorized for local reproduction, and a copy of the form is furnished for this purpose in part 53 of the looseleaf edition of the FAR.

(b) When additional bond coverage is required and is secured in whole or in part by a new surety or by one of the alternatives described in 28.204 in lieu of corporate or individual surety, agencies shall use Standard Form 25, Performance Bond; Standard Form 1418, Performance Bond for Other Than Construction Contracts; Standard Form 25-A, Payment Bond; or Standard Form 1416, Payment Bond for Other Than Construction Contracts.

[63 FR 44806, Aug. 22, 1997]

28.106-4 Contract clause.

(a) The contracting officer shall insert the clause at 52.228-2, Additional Bond Security, in solicitations and contracts when bonds are required.

(b) In accordance with Section 806(a)(3) of Pub. L. 102-190, as amended by Sections 2091 and 8105 of Pub. L. 103-355, the contracting officer shall insert the clause at 52.228-12, Prospective Subcontractor Requests for Bonds, in solicitations and contracts with respect to which a payment bond will be furnished pursuant to the Miller Act (see 28.102-1), except for contracts for the acquisition of commercial items as defined in Subpart 2.1.

[48 FR 42286, Sept. 19, 1983, as amended at 60 FR 48273, Sept. 18, 1995]

28.106-5 Consent of surety.

(a) When any contract is modified, the contracting officer shall obtain the consent of surety if—

- (1) An additional bond is obtained from other than the original surety;
- (2) No additional bond is required and—