

## **928.101**

### **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.

[61 FR 41708, Aug. 9, 1996, as amended at 75 FR 29459, May 26, 2010]

### **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.

[61 FR 41708, Aug. 9, 1996, as amended at 74 FR 36366, July 22, 2009; 75 FR 29459, May 26, 2010]

#### **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;

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(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.

[61 FR 41708, Aug. 9, 1996, as amended at 74 FR 36366, July 22, 2009]

## **PART 931—CONTRACT COST PRINCIPLES AND PROCEDURES**

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AUTHORITY: 42 U.S.C. 7101 et seq. and 50 U.S.C. 2401 et seq.

### **Subpart 931.1—Applicability**

#### **931.102 Fixed-price contracts.**

The intent of the first sentence of 48 CFR 31.102 is that applicable subparts of 48 CFR part 31 shall be used by the Government in—

(a) Pricing fixed-price prime contracts and modifications,

(b) Evaluating the reasonableness of a prime contractor's (or prospective prime contractor's) proposed subcontract (or subcontract modification) prices, and

(c) Determining the allowability of contractor payments to subcontractors in accordance with the provisions of 48 CFR 31.204(b).

[49 FR 12011, Mar. 28, 1984, as amended at 75 FR 29459, May 26, 2010]