



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: All State Boiler Work, Inc.

File: B-260294

Date: February 8, 1995

DECISION

All State Boiler Work, Inc. protests the award of a contract to Castle Atatement Corporation by the Department of the Army under solicitation No. DAAG60-94-B-0107. All State alleges that the award is improper because Castle submitted a bid bond with "a surety not listed in the Federal Register."

We dismiss the protest.

All State does not state a valid basis for protesting the award. A bid bond is a form of security submitted to assure the government that a successful bidder will not withdraw its bid within the period specified for acceptance and, if required, will execute a written contract and furnish performance and payment bonds. A "surety" means an individual or corporation legally liable for the debt, default or failure of a principal to satisfy contractual obligations. See Federal Acquisition Regulation (FAR) § 28.001. An "individual surety" is further defined as "one person, distinguishable from a business entity, who is liable for the entire penal sum amount of the bond." FAR § 28.001. An individual surety is acceptable for all types of bonds; a contracting activity is charged with determining the acceptability of individuals proposed as sureties, ensuring that the pledged assets are sufficient to cover the bond. FAR § 28.203.

While corporate sureties must appear on the list contained in Department of the Treasury Circular 570, FAR § 28.202, there is no such requirement for individual sureties; neither is there a requirement to be "listed in the Federal Register."

Since Castle's bid bond was executed by an individual surety, this complaint does not involve a violation of law or regulations, and therefore does not provide a valid basis for protest.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in black ink and is positioned above the printed name and title.

Ronald Berger
Associate General Counsel