

## NOTICE TO BIDDERS

### Pass-Through Warranty Bonds

The prime contractor may assign responsibility for the warranty obligations and the posting of a warranty bond to a subcontractor(s) (hereafter warranty contractor) in accordance with the terms of this Notice to Bidders. No second tier subcontractor assignments will be permitted.

The following conditions must be met:

1. The assignment must be made to the subcontractor (the warranty contractor) that will perform the work covered by the warranty. If for any reason after signing the Warranty Contract and posting the warranty bond, the warranty contractor does not perform the work, the warranty contractor will remain obligated for the warranty obligations and the warranty bond obligations shall remain in effect unless the Department consents in writing to substituting a different contractor to assume those warranty obligations and accepts a substitute warranty bond.
2. To become a warranty contractor responsible for the warranty obligations of the Contract, and the posting of a warranty bond, the warranty contractor shall complete and submit to the Department a Warranty Contract and a warranty bond for the warranty it will be responsible for. If the Warranty Contractor will be responsible for more than one warranty on the project, a single warranty bond may be submitted in accordance with 03NB20, Multiple Warranties. A single Warranty Contract indicating all of the warranties it covers may be submitted. The Warranty Contract shall be signed by an authorized signer of the warranty contractor, as identified in its prequalification application.
3. **The assignment of the warranty work must be designated with and at the time of electronic bid submittal, and must provide all required information. MDOT will not accept assignments of warranty work after the final bid submittal by the Bidder.**
4. The Warranty Contract and warranty bond must be submitted to MDOT prior to award of the prime contract for the work to which the warranty applies.
5. The warranty contractor must be prequalified in the work classification for the type of work to be warranted.
6. The warranty bond shall guarantee performance of all the warranty obligations for the covered work, in accordance with the Warranty Contract.
7. All provisions of the prime contract shall be applicable to the warranty contractor in regards to the warranty work, except as otherwise expressly provided in the Warranty Contract.
8. Under no circumstances shall the assignment of the warranty work and the execution of a Warranty Contract create any obligation to the Department beyond the obligations undertaken in the prime contract. The purpose of the Department accepting the assignment of warranty obligations is to allow a warranty contractor to stand in place of the prime contractor for purposes of the warranty work without increasing any obligation or liability that the Department would have had if the prime contractor had not assigned the warranty work.