

GENERAL

THE CONSTRUCTION

Setting the Stage for Success With Surety Bond Claims

By: Scott MacColl & Richard Towle, Innovative Surety Solutions LLC

THIS PAPER WAS WRITTEN IN CONJUNCTION WITH A BREAKOUT
SESSION AT AGC'S 2023 SURETY BONDING AND CONSTRUCTION
MANAGEMENT CONFERENCE

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!.+##' 8).4+55'9':\$.(),3';+05''

<%%+=)#\$='''!-,'#1'!+5-#\$+%/'>>4'

"#\$%&'(')!*+,-./!0123425!623!\$12&.,+7.412!84&9! : 6265- ; -2.!\$12<-,-27-!

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=62+6,/!)(!>!?-@,+6,/! A!'(')! !

B/6..!8-5-27/!\$1712+!.!C142.!8-&1,..!623!*D6A!0124.6!*D,425A!?E1,436!

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*+,-./!@123&!D,1F43-!6!D1G-,<+E!,4&9! ; 4.456.412!.11E!.1!633,-&&!71 ; DE-H!&4.+6.412&&+7I!6&!
712&.,+7.412!D,1J-7.&&!L<<-7.4F-!D,-D6,6.412!317+ ; -2.6.412!71 ; ; +2476.412!623!71EE6@1,6.412!
6 ; 125!.I-!F6,41+&!&.69- I1E3-,&!G4EE!I-ED!&-!.I-!&.65-!<1,!6!&+77-&&<+E!&+,-./!@123!7E64 ; K'!!MI4&!
317+ ; -2!.1+7I-!&!12!&1 ; -!4 ; D1,.62.!<67.1,&!.1!67I4-F425!6!&+77-&&<+E!&+,-./!@123!7E64 ; !@+.!4&!
21.!42.-23-3!.1!

B".#=#'')%3'CDD,+D,\$)#'51'?"#)\$5'3'?+.-6"%#)#\$+%'**

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8-D,-&-2.64F-&!1<!.I-!1@E45--!623!D,4274D6E!I6F425! ; 6265- ; -2.!623!1F-,&45I.!,-&D12&4@4E4.4-&!

<1,!.I-!@123-3!1@E456.412!&I1+E3!I6F-!6!5113!+23-,&.623425!1<!.I-!&.69-IIE3-,&!,45I.&A!

,-&D12&4@4E4.4-&A!623!1D.412&A!GI47I!G4EE!6EE!IG!.I- ; !.1!-<<-7.4F-E/!34,-7.A!317+ ; -2.A!623!

71 ; ; +2476.-!G4.I!.I-!D6,.4-&!6&!6DD,1D,46.-K!!!

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*+,-./!7E64 ; &!42F1EF-!6!,-.,1&D-7.4F-!, -F4-G!1<!GI6!.!I6&!,.62&D4,-3!.1!-F6E+6.-!GI-, -!.I-!

&.69-IIE3-,&!I6F-A!1,!I6F-!21.A! ; -!.I-4,!1@E456.412&!.1!.I-!1.I-!,D6,.4-&K!!R.!4&!.I-, -<1,-!

427+ ; @-2.!12!.I-!1@E45--!623!D,4274D6E!.1! ; 642.642!7E-6,!623!6DD,1D,46.-E/!3-.64E-3!, -71,3&!.1!

&+DD1,.!67.412&!.69-2!.1!<+E<4EE!.I-4,!1G2!1@E456.412&!6&!G-EE!6&!67.412&A!1,!4267.412A!@/!1.I-!,!

&.69-IIE3-,&!.I6.! ; 6/!4 ; D67!.I-!712.,67.+6E!1@E456.412&K!!!

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\$1EE6@1,6.412!623!-<<-7.4F-!71 ; ; +2476.412!@-.G--2!.I-!1@E45--!623!D,4274D6E!6,-!4 ; D1,.62!.1!

67I4-F425!71 ; ; 12!1@J-7.4F-&A! ; 424 ; 4T425! ; 4&+23-,&.623425&A!623!6F143425!34&D+.-&K!!U4&D+.-&!

623!4&&+-&!G4EE!6,4&-!12!1776&412A!-F-2!GI-2!@-&!.D,67.47-&!<1,!317+ ; -2.6.412!623!

71 ; ; +2476.412!I6F-!@--2!+.4E4T-3K!!R.!4&!@-2-<4746E!.1!424.46.-!71EE6@1,6.4F-!71 ; ; +2476.412&!G4.I!

.I-!&+,-./!GI-2!424.46E!&452&!1<!D1.-2.46E!D,1@E- ; &!6,4&-K!!MI4&!D,-&-2.&!62!1DD1,+.24./!<1,!.I-!

1@E45--A!D,4274D6EA!623!&+,-./!.1!G1,9!.15-.I-,!42!71 ; DE-.425!.I-!712.,67!.1@J-7.4F-&!@-<1,-!

34&D+.-&!@-71 ; -!42.,67.6@E-!623!6,5+ ; -2.&!@-71 ; -!712.-2.41+&K!!!

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C=+\$3\$%&'?'5)1/'

"EE!&.69-I1E3-,&!I6F-!62!42.-,-&!42!6F143425!+22-7-&&6,/!3-E6/&&!!L<<-7.4F-!D,-D6,6.412A!

317+ ; -2.6.412A!623!71 ; ; +2476.412!@-<1,-!623!3+,425!.I-!E4<-!1<!6!712.,67.!6,-!4 ; D1,.62.!<67.1,&!

.I6.!G4EE!-26@E-!&.69-I1E3-,&!1!&-!.I-!&.65-!<1,!&+77-&&!-F-2!GI-2!.I-!+2-HD-7.-3!4&&+-&!6,4&-K!!!

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! - , "#1F/' : +5"

R.!4&!4 ; D1,.62.!<1,!.I-!&.69-I1E3-,&!1!921G!623!+23-,&.623!GI6.!1D.412&!6,-!+&+6EE/!6F64E6@E-!<1,!

.I-!&+,-./K'MI-!1D.412&!

1<.I-!D,4274D6EA!76&IA!76D674./A!7I6,67.-,A!

"21.I-,! ; -.I13!1<!D,1F43425!.I-!D,4274D6E!G4.I!<4262746E!6&&4&.627-!4&!<1,!.I-!&+,-./!.1!

\ I-2!.I-!&+,-./!65,--&!1!<42627-!.I-!D,4274D6E!4.14&!E49-E/!.I6.!.I-!/G4EE!@-!, -Q+4, -3!.1!D6/!&1 ; -!
 1<!.I-!D,4274D6E%&!1F-,I-63!623!5-2-,6E!1D-,6.425!623!63 ; 424&.,6.4F-!-HD-2&-&K!MI-!&-!./D-&!1<
 -HD-2&-&!6-!21.!71F-, -3!@/!-4.I-!,.I-!D-,<1, ; 627-!@123!1,!.I-!D6/ ; -2.!@123K!R<!.I-!D,4274D6E!
 I6&!+2@123-3!G1,9A!.I-!&+,-./! ; 6/!2--3!.1!D6/!&+@712.,67.1,&!623!&+DDE4-,&!12!+2@123-3!G1,9!
 .1!5-!.I- ; !.1!D-,<1, ; !12!.I-!@123-3!D,1J-7.&K!?42627425!.I-!D,4274D6E!G4EE!427, -6&-!.I-!&+,-./%&!
 E1&&!@-76+&-!1<!.I-!2--3!.1!D6/!+2@123-3!1@E456.412&&!

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MI-!71&!.1< ; 124.1,425!.I-!G1,9!1<6!<42627-3!D,4274D6E!762!@-!I45IK!MI-!&+,-./%&!, -D, -&-2.6.4F-&!
 G4EE!2--3!.1!&D-23!&+@&.62.46E!4 ; -!G4.I!.I-!D,4274D6E!.1!-2&+,-!.I6.!.I-!G1,9!4&!@-425!71 ; DE-.-3A!
 712.,67.!@4EE425&!6,-!@-425!&+@ ; 4.-3!.4 ; -E/!623!71EE-7.-3A!623!.I6.!.I-!&+@712.,67.1,&!623!
 &+DDE4-,&!6,-!@-425!D643!.4 ; -E/K!MI-!&+,-./!G4EE!<,-Q+-2.E/!,-.642!712&.,+7.412!712&+E.62.&A!
 6771+2.62.&A!623!E-56E!71+2&-E!.1!6&&4&.!G4.I!.I-! ; 124.1,425!D,17-&&K!

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\ I-2!<42627425A!.I-!&+,-./!<,-Q+-2.E/!-HD-,4-27-&!.I-!Y.-2!D-,7-2.!D,1@E- ; ZK!" &!.I-!D,1J-7.15-.&!
 7E1&-,.1!71 ; DE-.412!N.I-!E6&.! (d0A!.I-!D,4274D6E!623!.I-4,!- ; DE1/--&! ; 6/!I6F-!E-&&!42.-,-&.142!
 71 ; DE-.425!.I-!D,1J-7.K!R2!<67.A!.I-,-! ; 6/!@-!62!427-2.4F-!.1!D,1E125!.I-!G1,9!.1!1@.642!6!
 D6/7I-79K!MI4&!762!+&+6EE/!@-!633,-&&!G4.I!&1 ; -!./D-!1<71 ; DE-.412!@12+&&!

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MI-!&+,-./! ; +&.! ; 69-!&+,-!.I6.!.I-4,!, -42&+,627-!.,-6.4-&!6EE1G!<42627425!1<!.I-!D,4274D6E!G4.I!
 ; 62/!.,-6.4-&!, -Q+4,425!D,41,!6DD,1F6E!@<1,-!.I-!&+,-./!71 ; ; 4.&!.1!<42627425!1<!.I-!D,4274D6E!
 N*4EF-,&.-42A!' (([0!

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;)H" +=",')%3'.+ 6D5''#\$+%'

.I-!D,1J-7!.I,1+5I!.1!71 ; DE-.412!3-&D4.-!GI6.-F-,!D,1@E- ; &! ; 6/!3-F-E1D!623!N)0!.I-!&+,-./!4&!

-HD1&-3!+2921G2!,4&9K!

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*1 ; -!-H6 ; DE-&!1<!D1&&4@E-!+2921G2!,4&9&!6,-X!N 0!.I-!Q+6E4./!1<!.I-!D,4274D6E&%!G1,9A!N'0!I1G!

<6,!42.1!.I-!<+.,,-!31-!.I-!D,1J-7!.71 ; DE-.412!-H.-23A!N)0!.I-!71&!1<!712&+E.62.&!42! ; 124.1,425!.I-!

D,1J-7.A!NV0!.I-!677-&&4@4E4./!1<!.I-!

