

February 15, 2022

Dear Bond Company,

The City ordinances that relate to right-of-way work were updated in 2012. In the past several years, the City has received a number of bonds for right-of-way work containing references to the old City ordinances, language that limited the bond coverage, or bonds that were simply not the right type. In addition, the City has received many continuation certificates that relate to bonds filed years ago which contain the outdated language.

As a result, most of the right-of-way contractors will need to file new bonds in 2016, rather than continuation certificates.

Enclosed is a copy of the letter being sent to right-of-way contractors and a document that explains which ordinances have been updated and what language should be included in each type of bond.

Because there are three types of bonds, the City is now using specific names as shown on the informational document enclosed:

- CONTRACTOR'S BOND FOR WORK PERFORMED IN RIGHTS OF WAY;**
- BUILDING MOVER BOND FOR WORK PERFORMED IN RIGHTS OF Way;**
- SUMP PUMP INSTALLER WORK ON PRIVATE OR PUBLIC PROPERTY; and**
- PROJECT SPECIFIC BOND FOR FACILITIES/UTILITIES WORK IN RIGHTS OF WAY.**

If your company uses a different name, please examine the actual language in the bond carefully to make sure it is consistent with the informational sheet.

If you use other language in your bonds or are in doubt about the requirements, please contact the Public Works Legal Advisor at (605) 367-8880 to ensure the language you use is correct.

Please remind the principals that they must sign the bonds in front of a notary. If they simply sign the bond and send it to the City without a notary signature, the City will send the bond back. If that happens, the contractors will be approaching you for a clean copy of the bond so they can sign it in front of a notary.

Thank you for your assistance and consideration on this matter.

Sincerely,



Kurt Peppel, PE
City Engineering/City Center
231 North Dakota Avenue
605-367-8600