



NATIONAL ASSOCIATION OF SURETY BOND PRODUCERS

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March 6, 2025

Vidhi Danak
Senior Procurement Specialist
Albemarle County

RE: 2025-IFB-3030702 VA Resident Bid Bond--Roofing Projects IVY Elementary School Partial Roof Replacement

Sent Via Email at: vdanak@albemarle.org.

Dear Procurement Specialist Danak:

On behalf of the National Association of Surety Bond Producers (NASBP), a national trade association of agencies employing surety bond producers, including licensed resident and nonresident agents placing surety bonds in the Commonwealth of Virginia and in all other jurisdictions, I am contacting you to seek correction regarding the instructions on bid bonds, which, among other things, specifies a requirement that the address of the attorney-in-fact on the bid bond "shall be within the Commonwealth of Virginia."

You should note that such locality requirements, such as requiring that the surety agent as attorney-in-fact be located within the Commonwealth of Virginia, are unconstitutional, as they impermissibly discriminate against licensed non-resident agents. The correct requirement should be that the attorney-in-fact be duly authorized by the surety company and possess a valid resident or non-resident license to act as a producer in the Commonwealth of Virginia. This must be irrespective of that person's physical address or location.

NASBP respectfully requests that you correct the bid requirement reflecting that the attorney-in-fact on the bid bond be a licensed agent, resident or non-resident, in the Commonwealth of Virginia.

NASBP appreciates your prompt consideration of our concern, and we look forward to receiving your response.

Yours sincerely,

Larry LeClair
Director, Government Relations