

NASBP'S SURVEY OF STATE BOND THRESHOLDS

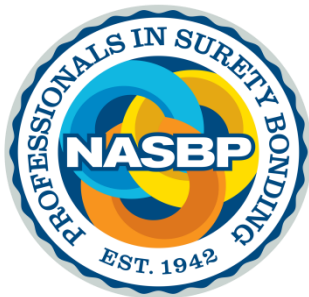
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DISCLAIMER. This is not intended to be a comprehensive treatment of State Little Miller Acts. NASBP strongly encourages you to read each Little Miller Act in its entirety.

Laws change periodically, and readers are advised to contact their specific state(s) to ensure the most correct information.

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Survey of State Bond Threshold Statutes

In accordance with the National Association of Surety Bond Producers' (NASBP) Annual Government Relations Agenda, staff monitors legislative and regulatory efforts to increase statutory bonding thresholds. It is the policy of the NASBP to oppose those that represent material increases. Bond thresholds vary by state and by project type.

State	Threshold	Little Miller Act Citation
Alabama	\$50,000	Ala. Code § 39-1-1
Alaska	\$100,000	Alaska Stat. §§ 36.25.010 thru .025 ¹
Arizona	\$100,000 (non-highway)	Ariz. Rev. Stat. §§ 34-222 thru -224 (local, county projects; non-state agencies) Ariz. Rev. Stat. § 28-6713 (DOT) Ariz. Rev. Stat. §§ 41-2501 <i>et seq.</i> (State Agencies)
Arkansas	\$20,000 \$1,000 (highway)	Ark. Code Ann. §§ 18-44-501 thru -506 Ark. Code Ann. § 27-65-131
California	\$25,000 (payment)	Cal. Civ. Code §§ 9550-9566 (payment bond) Cal. Pub. Cont. Code § 10221 <i>et seq.</i> (subdivision of the state)
Colorado	\$150,000 (state) \$50,000 (local)	Colo. Rev. Stat. § 24-105-202 (Procurement Code) Colo. Rev. Stat. § 38-26-101 and §§ 38-26-105 thru -110 (Public Works Act)
Connecticut	\$100,000	Conn. Gen. Stat. § 49-41 <i>et seq.</i>
Delaware	Threshold set by advisory council ²	29 Del. Code Ann. § 6961-62
D.C.	\$25,000	D.C. Code §§ 2-201.01 thru .03; 2-201.11

¹ Allows "at least two individual sureties who shall each justify in a sum equal to the amount of the bond" to post bonds on these projects. (Alaska Stat. § 36.25.010(a)(1) and (2))

² 29 Del. Code Ann. § 6913.

Federal	\$150,000	40 U.S.C. §§ 3131-3134
Florida	\$100,000 \$200,000 (local) \$250,000 (DOT)	Fla. Stat. § 255.05 ³ Fla. Stat. § 337.18 (DOT) ⁴
Georgia	\$100,000	O.C.G.A. § 13-10-40 thru -65 (state) O.C.G.A. § 36-91-1, § 36-91-2, § 36-91-50, §§ 36-91-70 thru -93 (local) O.C.G.A. § 32-2-70 (DOT)
Hawaii	\$25,000	Haw. Rev. Stat. §§ 103D-323 thru -325
Idaho	\$50,000	Idaho Code §§ 54.1925 thru 54.1930 Idaho Code § 54.4512 (CM)
Illinois	\$50,000	30 ILCS 550/1 <i>et seq.</i>
Indiana	\$200,000 \$500,000 (state educational institutions)	<ul style="list-style-type: none"> • Ind. Code § 4-13.6-7 (Department of Administration public works projects) • Ind. Code § 5-16 <i>et seq.</i> (non-DOA public works projects) • Ind. Code § 5-30-8-4 (design-build non-DOA public works projects) • Ind. Code § 5-32-4-2 (CMc) • Ind. Code § 8-23-9-1 thru -59 (DOT) • Ind. Code § 36-1-12-13.1 and Ind. Code § 36-1-12-14 (local government)
Iowa	\$25,000	Iowa Code §§ 573.1 thru .27 Iowa Code § 12.44 ⁵
Kansas	\$1,000 (highway) \$100,000	Kan. Stat. Ann. § 68-410 (highway) Kan. Stat. Ann. § 60-1111

³ The Secretary of Management Services may delegate to state agencies the authority to exempt any person entering into such a contract amounting to more than \$100,000 but less than \$200,000 from executing the payment and performance bond. (Fla. Stat. § 255.05(d))

⁴ For a project for which the contract price is \$250,000 or less, the department may waive the requirement for all or a portion of a surety bond if it determines the project is of a noncritical nature and nonperformance will not endanger public health, safety, or property.

⁵ "Targeted small businesses" on projects less than \$50,000 will have performance bonds waived by state agencies.

Kentucky	\$40,000 \$100,000 (local)	Ky. Rev. Stat. Ann. § 45A.005 <i>et seq.</i> Ky. Rev. Stat. Ann. §45A.435 (local)
Louisiana	\$25,000 \$50,000 (highway)	La. Rev. Stat. Ann. §§ 38.2216 and 38.2241 <i>et seq.</i> La. Rev. Stat. § 48.255 (highway)
Maine	\$125,000	14 Me. Rev. Stat. § 871
Maryland	\$100,000	Md. Code Ann., State Fin. & Proc. § 17-103
Massachusetts	\$25,000	Mass. Gen. Laws ch. 149 § 29 (payment) Mass. Gen. Laws ch. 149 §§ 44A-44I (DBB public buildings) Mass. Gen. Laws ch. 30 § 39M (DBB public works) Mass. Gen. Laws ch. 149A §§ 14-21 (DB public works) Mass. Gen. Laws ch. 149A §§ 1-13 (CMAR Public buildings) Mass. Gen. Laws ch. 149A § 8(a) (CMAR trade contracts)
Michigan	\$50,000	M.C.L.A. §§ 129.201 thru .212 (non-highway) M.C.L.A. §§ 570.101 thru .105 (highway)
Minnesota	\$175,000	Minn. Stat. § 574.26 thru .32
Mississippi	\$25,000 (non-highway) \$1,500 (highway)	Miss. Code Ann. § 31-5-51 thru -57 (non-highway) Miss. Code Ann. § 61-1-85 (highway)
Missouri	\$50,000 (payment)	Mo. Rev. Stat. § 107.170
Montana	\$50,000 \$7,500 (school districts)	MCA §18-2-201 thru -208
Nebraska	\$100,000 (public building performance bonds) \$15,000 (payment bond state projects) \$10,000 (payment bond local projects)	Neb. Rev. Stat. § 72-803 (public building performance) Neb. Rev. Stat. § 52-118 (payment)
Nevada	\$100,000	Nev. Rev. Stat. § 339.015 thru .065 Nev. Rev. Stat. § 408.357 (DOT)
New Hampshire	\$75,000 (state) \$150,000 (local)	N.H. Rev. Stat. Ann. § 447:15 <i>et seq.</i>
New Jersey	\$100,000 (local) \$200,000 (state)	N.J. Stat. Ann. § 2A:44-143

New Mexico	\$25,000 \$125,000 (subcontractors)	NMSA 1978, § 13-4-18 NMSA 1978, § 13-1-148.1 (Subcontractor)
New York	\$100,000 \$200,000 (contracts not subject to the state's multiple contract award requirements of State Finance Law §135)	N.Y. State Fin. Law § 137 (payment) N.Y. State Fin. Law § 163 (state agencies)
North Carolina	\$300,000 (contracting bodies ⁶) \$500,000 (State agencies or the University of North Carolina and its institutions)	N.C. Gen. Stat. § 44A-25 <i>et seq.</i>
North Dakota	\$200,000 \$20,000 (DOT)	N.D. Cent. Code § 48-01.2-02.1 N.D. Cent. Code § 24-02-23 (DOT)
Ohio	No threshold	Ohio Rev. Code § 153.54 (non- transportation) Ohio Rev. Code § 5525.16 (DOT)
Oklahoma	\$50,000	Okla. Stat. tit. 61 §§ 1 and 113
Oregon	\$100,000 \$50,000 (transportation)	Or. Rev. Stat. § 279C.380
Pennsylvania	\$100,000 (commonwealth agencies) \$10,000 (local projects)	62 Pa. Cons. Stat. § 903(a) (commonwealth) Pa. Stat. Ann. tit. 8 § 193.1(a)(2) (local projects)
Rhode Island	\$150,000	R.I. Gen. Laws § 37-12-1 (road and bridges) R.I. Gen. Laws § 37-13-14 (public works)
South Carolina	\$50,000 \$10,000 (public highway contracts)	S.C. Code Ann. § 11-35-3030 (State Government) S.C. Code Ann. § 57-5-1660 (DOT) S.C. Code Ann. §§ 29-6-210 <i>et seq.</i> (payment provision)
South Dakota	\$50,000	SDCL § 5-21-1 SDCL § 31-12-15 (county highways)
Tennessee	\$100,000 (non-highway)	Tenn. Code Ann. § 12-4-201 Tenn. Code Ann. § 54-5-119 (Highways) Tenn. Code Ann. § 4-15-102(f) (State Building Commission)

⁶ "Contracting body" means any department, agency, or political subdivision of the State of North Carolina which has authority to enter into construction contracts. (N.C. Gen. Stat. § 44A-25(3))

Texas	\$25,000 (payment) ⁷ \$100,000 (performance)	Tex. Gov't. Code § 2253.021
Utah	\$100,000 ⁸	Utah Code Ann. § 63G-6a-1103 U.A.C. R916-1-7 (DOT)
Vermont	\$100,000	Vt. Stat. Ann. tit. 19, § 10(8),(9)
Virginia	\$500,000 \$350,000 (transportation)	Va. Code Ann. § 2.2-4337
Washington	\$150,000	Rev. Code Wash. § 39.08.010 <i>et seq.</i>
West Virginia	No threshold	W. Va. Code § 5-22-1(d) (State and subdivisions) W. Va. Code § 5-22A-10 (design-build) W. Va. Code § 38-2-39 (Institutions)
Wisconsin	\$148,000 (local projects) \$369,000 (state projects)	Wis. Stat. Ann. § 779.14
Wyoming	\$25,000 (Dept. of Administration and Information) \$150,000 (City, County, State and Local Powers)	Wyo. Stat. Ann. § 9-2-1016(b)(xviii) (Dept. of Administration and Information) Wyo. Stat. Ann. § 16-6-112 (City, County, State and Local Powers)

⁷ For Joint Boards created under the Transportation Code, the payment bond threshold is \$50,000.

⁸ Utah Administrative Code R23-1-1102.