

Management and Operating Contractor for the Fermi National Accelerator Laboratory (FNAL)

Solicitation Number: 89243123RSC000083

**Questions and Answers
(55)**

55. Question: Section H, Clause 19 requires a performance guarantee for joint and severable liability from each entity comprising the separate corporate entity which will perform the work under the M&O contract. Section L, Appendix 3 provides a Performance Guarantee Agreement for a business entity. Is there a separate Performance Guarantee Agreement that would be applicable to a public educational institution that may be limited by state law in the guarantee it can provide?

Answer: There is no separate Performance Guarantee Agreement. If a potential Offeror is comprised of a public educational institution that may be limited by state law in the guarantee it can provide, that entity may insert the words "to the extent permitted by state law" in the last fill-in, in the first paragraph of the Performance Guarantee Agreement, after inserting the location of its principal place of business.