

# PERFORMANCE BOND

## (CONSTRUCTION OR SUPPLY)

Know all Men by these Presents, That we,

(See Instructions 4, 5, and 7)

as PRINCIPAL, and

as SURETY,

(See Instructions 2, 3, 4, and 7)

are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of

dollars

for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract, hereto attached, with the Government, dated \_\_\_\_\_, 19\_\_\_\_, for

NOW THEREFORE, If the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Government, with or without notice to the surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the name and corporate seal of each

corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

In presence of—

-----	----- [SEAL]
	(Individual principal)
-----	-----
(Address)	(Business address)
-----	----- [SEAL]
	(Individual principal)
-----	-----
(Address)	(Business address)
-----	----- [SEAL]
	(Individual principal)
-----	-----
(Address)	(Business address)
-----	----- [SEAL]
	(Individual principal)
-----	-----
(Address)	(Business address)

-----	----- [SEAL]
	(Individual surety)
-----	-----
(Address)	(Business address)
-----	----- [SEAL]
	(Individual surety)
-----	-----
(Address)	(Business address)

Attest:

-----	-----
	(Corporate principal)
-----	-----
	(Business address)

----- By ----- [AFFIX CORPO- RATE SEAL]

Attest:

-----	-----
	(Corporate surety)
-----	-----
	(Business address)

----- By ----- [AFFIX CORPO- RATE SEAL]

The rate of premium on this bond is \_\_\_\_\_ per thousand.

Total amount of premium charged, \$ \_\_\_\_\_

(The above must be filled in by corporate surety)

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, \_\_\_\_\_, certify that I am the secretary of the corporation named as principal in the within bond; that \_\_\_\_\_, who signed the said bond on behalf of the principal, was then \_\_\_\_\_ of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

\_\_\_\_\_ [CORPORATE SEAL]

AFFIDAVIT BY INDIVIDUAL SURETY

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss:

I, \_\_\_\_\_, being duly sworn, depose and say that I am one of the sureties to the foregoing bond; that I am a citizen of the United States, and of full age and legally competent; that I am by occupation a \_\_\_\_\_, for \_\_\_\_\_ last past doing business at \_\_\_\_\_

and residing at \_\_\_\_\_ in \_\_\_\_\_; that I am worth in real estate and personal property the sum of \_\_\_\_\_ dollars over and above (1) all my debts and liabilities, owing and incurred, (2) any property exempt from execution, (3) any pecuniary interest I have in the business of the principal on said bond, and (4) any interest I have in any so-called community property; that I am the sole owner in fee simple of certain real estate described as follows, which is located at \_\_\_\_\_

(a) \_\_\_\_\_  
(Description of property)

that the fair valuation of said real estate is (\$ \_\_\_\_\_); that the assessed value of that property for taxation purposes is (\$ \_\_\_\_\_); that said property is not exempt from seizure and sale under any homestead law, community, or marriage law, or upon attachment, execution, or judicial process; that the mortgages or other encumbrances against said real estate are the following:

(b) \_\_\_\_\_

and that there are no encumbrances against said real estate other than as above stated; that my liabilities owing and incurred do not exceed \$ \_\_\_\_\_; in addition to the real property above described, I am worth the sum of \$ \_\_\_\_\_ over and above my just debts and liabilities in property subject to execution and sale, and that the additional personal property consists of the following:

(c) \_\_\_\_\_  
(Describe personal property fully)

That I am not surety on any other bonds, except as follows :

(d) \_\_\_\_\_  
(State character and amount of each bond. If not on other bonds, so state)

That I am not a partner in the business of the principal on the bond or bonds on which I appear or may appear as surety. This affidavit is made to induce the United States of America to accept me as surety on the foregoing bond.

(Signed) \_\_\_\_\_  
(Surety's signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,

at

[OFFICIAL SEAL] \_\_\_\_\_  
(Title of official administering oath)

**AFFIDAVIT BY INDIVIDUAL SURETY**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss:

I, \_\_\_\_\_, being duly sworn, depose and say that I am one of the sureties to the foregoing bond; that I am a citizen of the United States, and of full age and legally competent; that I am by occupation a \_\_\_\_\_, for \_\_\_\_\_ last past doing business at \_\_\_\_\_ in \_\_\_\_\_;

and residing at \_\_\_\_\_ in \_\_\_\_\_; that I am worth in real estate and personal property the sum of \_\_\_\_\_ dollars over and above (1) all my debts and liabilities, owing and incurred, (2) any property exempt from execution, (3) any pecuniary interest I have in the business of the principal on said bond, and (4) any interest I have in any so-called community property; that I am the sole owner in fee simple of certain real estate described as follows, which is located at

(a) \_\_\_\_\_  
(Description of property)

that the fair valuation of said real estate is (\$ \_\_\_\_\_); that the assessed value of that property for taxation purposes is (\$ \_\_\_\_\_); that said property is not exempt from seizure and sale under any homestead law, community, or marriage law, or upon attachment, execution, or judicial process; that the mortgages or other encumbrances against said real estate are the following:

(b) \_\_\_\_\_

and that there are no encumbrances against said real estate other than as above stated; that my liabilities owing and incurred do not exceed \$ \_\_\_\_\_; in addition to the real property above described, I am worth the sum of \$ \_\_\_\_\_ over and above my just debts and liabilities in property subject to execution and sale, and that the additional personal property consists of the following:

(c) \_\_\_\_\_  
(Describe personal property fully)

That I am not surety on any other bonds, except as follows:

(d) \_\_\_\_\_  
(State character and amount of each bond. If not on other bonds, so state)

That I am not a partner in the business of the principal on the bond or bonds on which I appear or may appear as surety. This affidavit is made to induce the United States of America to accept me as surety on the foregoing bond.

(Signed) \_\_\_\_\_  
(Surety's signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,

at

[OFFICIAL SEAL] \_\_\_\_\_  
(Title of official administering oath)

NOTE.—See Instruction No. 10 before executing the following certificates.

**CERTIFICATE OF SUFFICIENCY**

I HEREBY CERTIFY, That \_\_\_\_\_, one of the sureties named above, is personally known to me; that, in my judgment, said surety is responsible, and qualified to act as such; and that, to the best of my knowledge and belief, the facts stated by said surety in the foregoing affidavit are true.

\_\_\_\_\_  
(Official title)

\_\_\_\_\_  
(Address)

**CERTIFICATE OF SUFFICIENCY**

I HEREBY CERTIFY, That \_\_\_\_\_, one of the sureties named above, is personally known to me; that, in my judgment, said surety is responsible, and qualified to act as such; and that, to the best of my knowledge and belief, the facts stated by said surety in the foregoing affidavit are true.

\_\_\_\_\_  
(Official title)

\_\_\_\_\_  
(Address)

## INSTRUCTIONS

1. This form shall be used for construction work or the furnishing of supplies, whenever a bond is required. There shall be no deviation from this form except as authorized by the Director of Procurement.

2. The surety on the bond for any bid or for the performance of the contract may be any corporation authorized by the Secretary of the Treasury to act as surety, or two responsible individual sureties. Each individual surety shall justify in a sum not less than the penalty of the bond.

3. A firm, as such, will not be accepted as a surety, nor a partner for copartners or for a firm of which he is a member. Stockholders of a corporate principal may be accepted as sureties provided their qualifications as such are independent of their stock holdings therein. Sureties, if individuals, shall be citizens of the United States, except that sureties on bonds executed in any foreign country, the Canal Zone, the Philippine Islands, Puerto Rico, Hawaii, Alaska, or any possession of the United States, for the performance of contracts entered into in these places, need not be citizens of the United States, but if not citizens of the United States shall be domiciled in the place where the contract is to be performed.

4. The name, including full Christian name, and residence of each individual party to the bond shall be inserted in the body thereof, and each such party shall sign the bond with his usual signature on the line opposite the scroll seal, and if signed in Maine or New Hampshire, an adhesive seal shall be affixed opposite the signature.

5. If the principals are partners, their individual names shall appear in the body of the bond, with the recital that they are partners composing a firm, naming it, and all the members of the firm shall execute the bond as individuals.

6. The signature of a witness shall appear in the appropriate place, attesting the signature of each individual party to the bond.

7. If the principal or surety is a corporation, the name of the State in which incorporated shall be inserted in the appropriate place in the body of the bond, and said instrument shall be executed and attested under the corporate seal as indicated in the form. If the corporation has no corporate seal the fact shall be stated, in which case a scroll or adhesive seal shall appear following the corporate name.

8. The official character and authority of the person or persons executing the bond for the principal, if a corporation, shall be certified by the secretary or assistant secretary, according to the form attached thereto. In lieu of such certificate there may be attached to the bond copies of so much of the records of the corporation as will show the official character and authority of the officer signing, duly certified by the secretary or assistant secretary, under the corporate seal, to be true copies.

9. Each individual surety shall justify, under oath, according to the form appearing on the bond, before a United States commissioner, a clerk of a United States court, a notary public, or some other officer having authority to administer oaths generally. If the officer has an official seal it shall be affixed, otherwise the proper certificate as to his official character shall be furnished. Where citizenship is not required, as provided in paragraph 3 of these Instructions, the affidavit may be amended accordingly.

10. Each certificate of sufficiency shall be signed by an officer of a bank or trust company, a judge or clerk of a court of record, a United States district attorney or commissioner, a postmaster, a collector or deputy collector of internal revenue, or any other officer of the United States acceptable to the department or establishment concerned.

Further certificates as to the financial qualification of the sureties may be required from time to time; which certificates must be based on the personal investigation of the certifying officers at the time of making thereof, and not upon prior certificates.

11. The date of the bond must not be prior to the date of the instrument for which it is given.