

Performance Bond

Bond No. \_\_\_\_\_

PRINCIPAL (Name and Address):	SURETY (Name and Address – Indicate State of Incorporation and location of Principal Office):
FULL AND JUST SUM OF BOND:	DATE OF CONTRACT EXECUTED BY PRINCIPAL:

Know all men by these presents, That we, the Principal and Surety, above named, are held and firmly bound unto the Department of Environmental Conservation for and on behalf of the People of the State of New York, hereinafter called the Department, in full and just sum of the amount stated above, good and lawful money of the United States of America, to the payment of which said sum, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal has entered into a certain written contract with the Department, covering the project and specification above;

Now, Therefore, the condition of this obligation is such, that if the Principal shall well, truly and faithfully comply with and perform all of the terms, covenants and conditions of said contract on their (his, its) part to be kept and performed, according to the time intent and meaning of said contract, and shall protect the Department and the People of the State of New York against, and pay any and all amounts, damages, costs and judgments which may or shall be recovered against the Department or the State of New York may be called upon to pay to any persons or corporation by reason of any damages existing or growing out of the doing of said work, or the repair or maintenance thereof, or the manner of doing the same, or the neglect of the Principal, or his (their, its) agents or servants, or the improper performance of the work by the Principal, or his (their, its) agents or servants, or the infringement of any patent or patent rights by reason of the use of materials furnished or work done as aforesaid or otherwise, then this obligation shall be null and void, otherwise to remain in full force and virtue.

And the Surety, for value received, hereby stipulates and agrees, if requested to do so by the Department to fully perform and complete the work mentioned and described in the contract and specifications, pursuant to the terms, conditions and covenants thereof, if for any cause, the Principal fails or neglects to so fully perform and complete the work; and the Surety further agrees to commence the work of completion within twenty days after notice thereof from the Department, and to complete the work with all the stipulations.

And the Surety, for value received, hereby stipulates and agrees that no change, extension, alteration or addition to the terms of this contract or specifications, accompanying the name, shall in any wise affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration, or addition.

In Testimony Whereof, the Principal and the Attorney-in-Fact of the Surety have caused this instrument to be signed and sealed on the date shown above.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Principal

By: \_\_\_\_\_

\_\_\_\_\_  
Name and Title

Corporate Seal of Principal  
If a Corporation

\_\_\_\_\_  
Surety

By: \_\_\_\_\_

\_\_\_\_\_  
Attorney-in-Fact

Corporate Seal  
Of Surety Company

**(Acknowledgement by Contractor, if an Individual)**

State of New York  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally came \_\_\_\_\_, to me known and known to me to be the person described in, and who executed the foregoing instrument.

\_\_\_\_\_  
Notary Public County

**(Acknowledgement by Contractor, if a Corporation)**

State of New York  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally came \_\_\_\_\_, to me known, who being by me duly sworn did depose and say that he/she resides in \_\_\_\_\_, that he is the \_\_\_\_\_ of the \_\_\_\_\_ the corporation described in and which executed the foregoing instrument; that he/she knows the seal of the said corporation; that the seal affixed to said instrument was such corporate seal; that it was affixed by the order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order.

\_\_\_\_\_  
Notary Public County

**(Acknowledgement by Contractor, if a co-partnership)**

State of New York  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally came \_\_\_\_\_, to me known and known to me to be the person who executed the above instrument, who being duly sworn by me, did for him/herself depose and say that he/she is a member of the firm of \_\_\_\_\_, consisting of him/herself and \_\_\_\_\_ and that he/she executed the foregoing instrument in the firm name of \_\_\_\_\_ and that he/she had authority to sign his/her name, and he/she did duly acknowledge that he/she executed the same as the act and deed of said firm of \_\_\_\_\_ for the uses and purposes mentioned therein.

\_\_\_\_\_  
Notary Public County

**(Acknowledgement by Surety)**

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally came \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she resides in \_\_\_\_\_, that he/she is the Attorney-in-fact of the \_\_\_\_\_, the corporation described above and which executed the within instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by the order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order; and that the liabilities of said company do not exceed its assets and is certified in the manner provided by the laws of the State of New York; and the said \_\_\_\_\_ further said that he/she is acquainted with \_\_\_\_\_ and known him/her to be the Attorney-in-fact of said company; that the signature of the said \_\_\_\_\_ subscribed to the within instrument is in the genuine handwriting of the said \_\_\_\_\_ and was subscribed thereto by like order of the Board of Directors, and in the presence of him/her, the said \_\_\_\_\_.

\_\_\_\_\_  
Notary Public: \_\_\_\_\_