



## City of San Clemente Engineering Division

### **Instructions for Completing Performance, Labor & Material, Warranty Bond**

- The amount of a bond shall be based on 100% of the Engineering Division's approved cost estimate of the cost of construction, plus 10% contingency. The bond must be accompanied by a notary statement for the bond signatures, and an additional document attached to the bond that indicates the bonding company and Attorney-in-Fact are authorized to conduct such business in the State of California. The bonding company must meet the requirements as stipulated in the State of California Code of Civil Procedures CCP § 995.310 and §995.660.
- The City requires that the bond be filled in on the original bond form, and will not accept a copy or a faxed copy of any kind of the bond form to be used for preparing the original bond.
- We do not accept original signatures and seal on a copy of the bond form to be considered as an "original" bond. The signatures and seal must be on an original bond form to create a clean document that is acceptable to the City.
- Before submitting the bond to the City, please FAX a copy of the proposed bond and the approved cost estimate to the Engineering Division at (949) 366-4741 for approval of content, dollar amount and format.
- Upon approval, please submit one (1) original and two (2) copies of each bond to the City.

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

## LABOR & MATERIAL BOND

WHEREAS, City of San Clemente and \_\_\_\_\_, as Principal, have entered into an Agreement based on this document whereby Principal agrees to install and complete certain designated improvements which said agreement dated \_\_\_\_\_ and identified as project \_\_\_\_\_, is hereby referred to and made a part hereof; and

WHEREAS, under the terms of said agreement, Principal is required before entering upon the performance of the work, to file a good and sufficient labor & material payment bond with the City of San Clemente to secure claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, said Principal and the undersigned corporate Surety, are held and firmly bound unto City of San Clemente and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of the aforesaid Agreement and referred to in the aforesaid Civil Code of the State of California in the sum of \_\_\_\_\_, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said surety will pay the same in an amount not exceeding the amount herein above set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, in successfully enforcing such obligation in the City of San Clemente, County of Orange, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement rendered in its favor.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

The Surety hereby stipulates that no change, extension of time, alteration or addition to the terms of said Agreement or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of such change, extension, alteration or addition.

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named, on the \_\_\_\_\_.

Principal

Surety

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

By: \_\_\_\_\_  
Attorney-in-Fact