

Performance Bond Requirements

For Performance Bonds, in addition to the standard insurance requirements, our City Attorney requires certain things to ensure that the documents are properly executed. To ensure that you meet these requirements, they are listed here:

- 1) The signature of the person signing as the Authorized Signature from the company must be notarized. The notarization form should include the wording that the signer is “personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.” This wording is from a California All-Purpose Acknowledgement, but a form using similar wording from another state would be acceptable as long as the wording conveys that the notary has determined that the person signing is who they claim to be..
- 2) The Attorney-in-Fact’s signature must also be notarized in the same way.
- 3) There must be evidence that the person signing for the company has authority to bind the company. Generally this is done by providing a copy of a corporate resolution granting this authority.
- 4) The Attorney-In-Fact must be listed on a current document designating him/her as attorney-in-fact, a copy of which should be provided.
- 5) Please use a form that has a place to indicate the capacity that the signer is signing in such as President, Corporate Officer, Individual, etc.
- 6) The bond amount must match what is required by the contract. Please double check this, as we have recently had a number of bonds sent back by the City Attorney because the bond amount was not what the contract required. If you have any doubts about this, please contact us so we can determine the proper amount ahead of time.

Please note: The requirements that the principal’s and attorney-in-fact’s signatures be notarized are separate from the requirements to show that these people have been properly designated to sign in these capacities. This has caused some confusion in the past.

As always, if you have any questions about these requirements, please contact our office for clarification.

