

**BASE DOCUMENT – RFP FORMS
VERSION 1**

MAY 25, 2007

**STANDARD INSTRUCTIONS SUBSECTION 33.4 FORMS TO BE SUBMITTED BY
SUCCESSFUL PROPOSER**

**STATE OF OREGON
DESIGN-BUILD
PERFORMANCE BOND FORM**

Bond No.: _____

Solicitation No.: _____ Key Number. _____

Project Name: _____

_____ (Surety No. 1) Bond Amount: \$ _____

_____ (Surety No. 2)* Bond Amount: \$ _____

*If using multiple Sureties

Total Penal Sum of Bond: \$ _____

We, _____ as Principal, and the above-identified Surety(ies), authorized to transact surety business in Oregon, as Surety, hereby jointly and severally bind ourselves, our respective heirs, executors, administrators, successors and assigns firmly by these presents to pay unto the State of Oregon the sum of _____ (Total Penal Sum of Bond) (provided, that we the Sureties bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety); and

WHEREAS, the Principal has entered into a contract with the State of Oregon for the provision of both design and construction of certain public improvements, comprised of the Contract Documents, as those terms are defined in the **DB General Provisions** (collectively referred to hereafter as the "Contract"); and

WHEREAS, the terms and conditions of the Contract are incorporated herein and made a part of this Performance Bond by reference; and

WHEREAS, the Principal has agreed to faithfully perform the Contract in accordance with the Plans, Specifications, and conditions of the Contract, as it may be modified from time to time by Change Order or otherwise to add or modify the Work to be performed, the conditions of Work, payment terms, the Contract Amount, or Contract Time, notice of any such additions or modifications hereby being waived by the Surety(ies):

NOW, THEREFORE, THE CONDITION OF THIS BOND IS SUCH that if the Principal herein shall faithfully and truly observe and comply with the terms, conditions and

provisions of the Contract, in all respects, and shall well and truly and fully do and perform all matters and things undertaken by Design-Builder to be performed under the Contract, upon the terms set forth therein, and within the time prescribed therein, or as extended as provided in the Contract, with or without notice to the Surety(ies), and shall indemnify and save harmless the State of Oregon and the Oregon Transportation Commission, and members thereof, their officers, employees and agents, against any direct or indirect damages and claims of every kind and description that shall be suffered or claimed to be suffered in connection with or arising out of the performance of the Contract by the Principal, and shall in all respects perform said Contract according to Law, then this obligation is to be void; otherwise, it shall remain in full force and effect.

Nonpayment of the bond premium will not invalidate this bond, nor shall the State of Oregon or the Oregon Transportation Commission be obligated for the payment of any premiums.

This bond is given and received under authority of ORS 279C.380, the provisions of which are hereby incorporated into this bond and made a part hereof.

IN WITNESS WHEREOF, WE HAVE CAUSED THIS INSTRUMENT TO BE EXECUTED AND SEALED BY OUR DULY-AUTHORIZED LEGAL REPRESENTATIVES.

Dated this _____ day of _____, 20__

NAME OF PRINCIPAL: _____

By: _____
Signature of Authorized Representative

Printed Name of Authorized Representative

Title

NAME OF SURETY No. 1: _____

BY ATTORNEY-IN-FACT:
[Power-of-Attorney must accompany each surety bond]

Name

Signature

Address

City

State

Zip

Telephone Number

Fax Number

***NAME OF SURETY No. 2:** _____

BY ATTORNEY-IN-FACT:

[Power-of-Attorney must accompany each surety bond]

Name

Signature

Address

City

State

Zip

Telephone Number

Fax Number