

GREEN BUILDING ACT PERFORMANCE BOND

Bond No. _____ Effective date of bond: _____

Building Permit Number: _____

Project Address: _____

Surety: _____

Surety's address: _____

Telephone number/email: _____

Name of Permit Holder: _____

Permit Holder's business address: _____

Telephone number/email: _____

OBLIGATION:

We, [NAME OF PERMIT HOLDER], as **Principal**, and [NAME OF SURETY], a corporation authorized to do business in the District of Columbia, as **Surety**, are held and firmly bound unto the District of Columbia Government, a municipal corporation (the "**District**") in the amount of _____ dollars in lawful money of the United States (the "**Penalty Amount**"), the payment of which we jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

The Surety's aggregate liability for all claims or claimants shall not exceed the full amount of this bond and all costs and expenses, including legal fees and expenses, incurred by the District Columbia in enforcing this Performance Bond.

CONDITIONS:

- 1) The District of Columbia Department of Consumer and Regulatory Affairs ("**DCRA**") has issued the above-referenced building permit to the **Principal** for the construction of a building at the Project Address indicated above (the "**Project**"). The Project is subject to the requirements of the Green Building Act of 2006 (D.C. Law 16-234, March 8, 2007, as amended, codified at D.C. Official Code 6-1451.01 *et seq.*), together with any implementing regulations, (the "**Act**"). Pursuant to Section 6 of the Act, this Performance Bond is being submitted by the **Principal** as evidence of financial security to assure compliance with certain LEED certification standards as a condition to the District's issuance of the first certificate of occupancy for occupiable space at grade or above (the "**First Certificate of Occupancy**") for the Project. The conditions and requirements of this Performance Bond are further set forth in and defined by the Act.
- 2) The Surety shall be listed on the U.S. Treasury Department's list of approved sureties (https://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm) and shall be licensed to do business in the District of Columbia (<http://disb.dc.gov/node/321622>).

- 3) If the Principal or Surety is an entity, Principal and Surety each warrant that
 - i) it is duly organized, validly existing and in good standing under the laws of its state of formation and is qualified to do business and is in good standing under the laws of the District of Columbia;
 - ii) is authorized to perform under this Performance Bond; and
 - iii) the person signing has all necessary power to execute and deliver this Performance Bond.

THEREFORE:

The above obligation is void upon satisfaction of either of the following:

1. The Director of DCRA (the “**Director**”) issues a Certificate of Compliance to Principal. Such Certificate of Compliance shall be issued by the Director upon submission by Principal of a certification of the Project (a “**Certification**”), by the Verification Date (defined below), to no less than the applicable LEED Standard as required by the Act, which Certification shall be in the form of either
 - a. a true copy of the LEED certification issued for the Project reflecting that the applicable LEED Standard was achieved or exceeded, or
 - b. a certification acceptable to the Director that the Project has, at a minimum, complied with the applicable LEED Standard.

The “**Verification Date**” shall be a date that is no later than 24 calendar months after the date of issuance of the First Certificate of Occupancy, or such later date as may be granted by the Director, based on reasonable grounds, as an extension of the period for verification.

2. The Penalty Amount is paid by Principal or Surety to the District.

Principal and Surety have, as of the day and year written above, caused this Green Building Act Performance Bond to be duly signed and executed.

Principal

By: _____ Date: _____
 (Print or type name and title)

Surety

By: _____ Date: _____
 (Print or type name and title)

Principal Acknowledgment

City/County/District of _____
 State of _____,

I, _____ (*name of notary*), a Notary Public in and for the jurisdiction aforesaid, do hereby certify that _____ (*name of person signing on behalf of principal*), as the duly authorized _____ (*title of signatory*) of _____ (*name of principal entity*), a party to the foregoing, personally appeared before me and acknowledged said document to be the act and deed of _____ (*name of principal entity*) and that s/he delivered the same as such.

GIVEN under my hand and seal this ____ day of _____, 20__.

Notary Public

My commission expires:
[NOTARIAL SEAL]

Surety Acknowledgment

City/County/District of _____
State of _____,

I, _____ (*name of notary*), a Notary Public in and for the jurisdiction aforesaid, do hereby certify that _____ (*name of person signing on behalf of surety*), as the duly authorized _____ (*title of signatory*) of _____ (*name of surety entity*), a party to the foregoing, personally appeared before me and acknowledged said document to be the act and deed of _____ (*name of surety entity*) and that s/he delivered the same as such.

GIVEN under my hand and seal this ____ day of _____, 20__.

Notary Public

My commission expires:
[NOTARIAL SEAL]

Approved as to Form:

DCRA Office of the General Counsel