



**UNITED REPUBLIC OF TANZANIA  
MWANZA CITY COUNCIL**



**CONTRACT AGREEMENT**

**FOR**

**CONSTRUCTION OF "BLOCK D"  
MACHINGA MARKET AT MCHAFUKOGA AT NYAMAGANA –  
MWANZA**

**TENDER NO LGA/089/2021 – 2022/W/01**

**CLIENT  
CITY DIRECTOR,  
P.O BOX 1333,  
MWANZA**

**CONSULTANT,  
M/S SEIMIC COMPANY LTD  
P.O BOX 16465,  
DAR ES SALAAM**

**CONTRACTOR  
M/S MOHAMEDI BUILDERS LTD,  
P.O BOX 38439**

**JUNE 2022**

#### 4. Special Power of Attorney

**KNOW ALL MEN BY THESE PRESENTS THAT** Ithe undersigned **Taher Mustafa Jafferji** being **Managing Director of Mohammedi Builders Limited** of **B.O.BOX 38439, Dar es salaam** having its registered office at **26 Mikocheni Light Industrial Area, Coca Cola Road, Dar es Salaam-Tanzania;**

**WHEREAS** in course of business it is necessary to bid for tenders and enter into contracts;

**NOW THEREFORE KNOW ALL MEN THAT I, Taher Mustafa Jafferji** by virtue of authority conferred to me by the Board Resolution No. **MBL/06/MWZ/2022/01** of **21<sup>th</sup>** day of **June, 2022**, do hereby ordain, nominate, authorize, empower and appoint **Murtaza Taher Jafferji** of **B.O.BOX 38439, Dar es salaam** to be our true lawful Attorney and Agent with full power and authority for us and in our names and for our accounts and benefits, to do any, or all of the following acts, in the execution of Contract No. **LGA/089/2021-2022/W/01** that is to say;

To act on my behalf or for the company and do any other thing or things incidental for. **LGA/089/2021-2022/W/01** of **CONSTRUCTION OF BLOCK " D" MACHINGA MARKET AT MCHAFUKOGA AT NYAMAGANA- MWANZA** for the **MWANZA CITY COUNCIL, P.O.BOX 133, MWANZA.**

**AND** provided always that this power of Attorney shall not revoke or in any manner affect any future Power of Attorney given to any other person or persons for such other power or powers shall remain and be of the same force and affect as if this deed has not been executed.

**AND** we hereby undertake to ratify everything, which our Attorney or any substitute or substitutes or agent or agents duly appointed by him under this power on his behalf herein before contained shall do or purport to do in virtue of this Power of Attorney.

**SEALED** with the common seal of the said **Mohammedi Builders Limited** and delivered in the presence of us this **23<sup>rd</sup>** day of **June, 2022.**

**IN WITNESS** whereof we have signed this deed on this **23<sup>rd</sup>** day of **June, 2022** **Dar es Salaam** for and on behalf of **Mohammedi Builders Limited.**

**SIGNED AND DELIVERED** by the said **Taher Mustafa Jafferji** with the common seal of **Mohammedi Builders Ltd.** This 23<sup>rd</sup> day of **June, 2022**



**DONOR**



**WITNESS:**

Name: Mustafa Abdulhussein Hassanali

Address: P.O. Box 38439, DSU

Signature: [Handwritten Signature]

Qualification: Company Secretary

**Acknowledgements**

I **Murtaza Taher Jafferji** doth hereby acknowledge and accept to be Attorney of the said **Mohammedi Builders Limited** under the Terms and Conditions contained in this Power of Attorney and I promise to perform and discharge my duties as the lawfully appointed Attorney faithfully and honestly.

**SIGNED AND DELIVERED** by the said **Murtaza Taher Jafferji** Identified to me by **Harish Babulal Jethwa**. The latter being known to me personally this 23<sup>rd</sup> day of **June, 2022**.



**DONEE**



**BEFORE ME**

Name: Nixon Mwera Tugara

Address: P.O. Box 13034 DSU

Qualification: Commissioner for Oaths

Signature: [Handwritten Signature]



**COMMISSIONER FOR OATHS**

DRAWN BY: **MOHAMMEDI BUILDERS LTD**  
P.O. BOX 38439  
DAR ES SALAAM



TANGANYIKA STAMP DUTY ACT.  
Stamp Duty Paid 500/-  
Stamp Duty Shs. 500/-  
Receipt No: 92175112281467  
of: M. M. M. M.  
Stamp Duty Officer

TANGANYIKA  
REGISTRY OF DOCUMENTS  
DAR ES SALAAM  
Presented on Folio No. 1102  
Registered on Folio No. V195613  
Serial No. 1314112 of the C.P.  
Register Fee Shs. 5000/-  
Vide Receipt No. 92175112281467  
of: M. M. M. M.

FORM OF AGREEMENT

# Form of Agreement

This AGREEMENT (hereinafter called the "Contract") is made this 21 June 2022 between, *MWANZA CITY COUNCIL*, P.O Box 1333 *MWANZA* (hereinafter called the "Client") of the one part, and *M/S MOHAMMEDI BUILDERS Ltd*, P.O Box 38439, *DAR ES SALAAM* (hereinafter called the "Contractor") of the other part.

Whereas under the principal Contract the Contractor had accepted the request by the client to execute Construction of Block D "Machinga Market at Mchafukoga at Mwanza City Council of the form of contract the amount to be TZS 958,924,817/= VAT inclusive (Nine Hundred Fifty Eighty Million Nine Hundred Twenty Four Thousand Eighty Hundred Seventeen Shillings Only) For the period of Six Month (6)

*MWANZA CITY COUNCIL* (hereinafter called the "Client") and, on the other hand, a joint venture/consortium/association consisting of the following entities namely, *MWANZA CITY COUNCIL* and *MOHAMMEDI BUILDERS LIMITED* and [etc.] (hereinafter called the "Contractor") each of which shall be jointly and severally liable to the Client for all the Contractor's obligations under this Contract.

## WHEREAS

- (a) In this Agreement, words and expressions shall have the same meaning as are respectively assigned to them in the Condition of Contract hereinafter referred to, and they shall be deemed to form and be read and construed as part of this Agreement.
- (b) In consideration of the payment to be made by the Employer to the Contractor as hereinafter mentioned, the Contractor hereby covenants with the Employer to execute and complete the Works and remedy any defects therein in conformity in all respects with the provisions of the Contract
- (c) the Employer hereby covenants to pay the Contractor in consideration of the execution and completion of the Works and the remedying of defects wherein the Contract Price or such other sum as may become payable under the provision of the Contract at the times and in the manner prescribed by the Contract.

**NOW THEREFORE**, the parties hereto hereby agree as follows:

1. The following documents forming the integral part of this Contract shall be interpreted in the order of priority shown:
  - (a) Form of Agreement;
  - (b) Letter of Acceptance
  - (c) Minutes of Negotiations (if any)
  - (d) Special Conditions of Contract (SCC);
  - (e) General Conditions of Contract (GCC),

- (f) Any other document listed in the Special Condition of Contract as forming part of the Contract

IN WITNESS WHEREOF, the Parties hereto have caused this Contract to be signed in their respective names as of the day and year first above written.

SIGNED, SEALED AND DELIVERED FOR AND ON BEHALF OF:

THE PROCURING ENTITY

THE CONTRACTOR

Name: ... MWANZA CITY COUNCIL

Name: ... MOLTANA TAHIR JAFFERY

(Authorized Representative)

(Authorized Representative)

Designation: ... CITY DIRECTOR

Designatio ... MANAGER

Signature: ...

Signature: ...

Date: ...

Date: ...

CITY DIRECTOR  
MWANZA  
21/02/22



WITNESS

WITNESS

Name: ... SIMA C. SIMA

Name: ... BURHANUDDIN HASSANALI

Designatio: ... MAYOR

Designatio: ... MBL - ARCHITECT

Signature: ...

Signature: ...

HON MAYOR  
MWANZA CITY COUNCIL  
MWANZA



**UNITED REPUBLIC OF TANZANIA**  
**MWANZA CITY COUNCIL**



Please refer the reference above

Ref. No. **LGA/089/2021/2022/W/01**

21, June 2022.

**M/S MOHAMMED BUILDERS LTD,**  
**P.O BOX 38439,**  
**DAR ES SALAAM.**

**RE: NOTIFICATION OF AWARD OF CONTRACT NO LGA/089/2021/2022/W/01  
FOR CONSTRUCTION OF MACHINGA MARKET AT MCHAFUKOGA AREA AT  
MWANZA CITY.**

Refer to your tender submitted to the Secretary of Tender Board

2.This is to notify you that Client has accepted your tender and you have been awarded the Contract for Construction of Machinga Market at Mchafukoga Area, Mwanza City at a Contract price of Tanzania Shillings Nine Hundred Fifty Eighty Million Nine Hundred Twenty Four Thousand Eight Hundred Seventeen Shillings Only (958,924,817/=) VAT Inclusive for Completion period of Six Months (6)

**Authorized Signature:** .....

**Name and Title of Signatory:** **SEKIETE SELEMANI YAHAYA**  
**CITY DIRECTOR**

**Name of PE:** **MWANZA CITY COUNCIL**

**Received by (Name):** **MUSTAFA TAHER JAPPORI** **Signature:** .....

**(Stamp) Date:** **21/06/2022**

- Copy to:** 1. Controller and Auditor General (CAG)  
2. Public Procurement Regulatory Authority (PPRA)  
3. National Construction Council (NCC)



Mwanza City Director, Balewa Road, Isamilo, P.O. BOX 1333, Mwanza. Tanzania  
Phone No. +255 (28) 2501375, Nukushi: +255 (28) 2500785, E-mail cd@mwanzacc.go.tz



FORM OF TENDER

## Form of Tender

15<sup>th</sup> June 2022

City Director,  
Mwanza City Council,  
P.O Box 1333,  
**Mwanza**

We, **Mohammedi Builders Ltd**, offer to execute the **Proposed Construction of "Block D" Machinga Market at Mchafukoga at Nyamagana – Mwanza**, Tender No. **LGA/089/2021-2022/W/01** in accordance with the Conditions of Contract accompanying this Tender for the Contract Price of **TZS 958,924,817.00 (TZS Nine Hundred Fifty Eight Million Nine Hundred Twenty Four Thousand Eight Hundred Seventeen Only)**

The advance payment required is:-

Amount	Currency
143,838,722.55	TZS

We declare that our tendering price did not involve agreements with other tenderers for the purpose of tender suppression.

We accept the appointment of **National Construction Council (NCC)** as the Sole Member of Dispute Avoidance and Resolution Board<sup>1</sup>.

We hereby confirm **National Construction Council (NCC)** to be the Appointing Authority, to appoint the Sole Member of Dispute Avoidance and Resolution Board in case of any arisen disputes in accordance with ITT 43.1

We are not participating, as tenderers, in more than one Tender in this tendering process other than alternative tenders in accordance with the tendering documents.

We declare that, as tenderer(s) we do not have conflict of interest with reference to ITT 3.7 [Eligibility of Tenderers]

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### **Mohammedi Builders Ltd.**

PO Box 38439,  
Coca Cola Road  
Mikocheni Industrial Area  
Dar Es Salaam, Tanzania  
+255 22 270 1284

Our firm, its affiliates or subsidiaries, including any subcontractors or suppliers for any part of the contract has not been declared ineligible by the Government of the United Republic of Tanzania under Tanzania's laws or official regulations or by an act of compliance with a decision of the United Nations Security Council.

The following commissions or gratuities of fees have been paid or are to be paid by us to agents relating to this tender, and to contract execution if we are awarded the contract:-

Name and address of agent or recipient	Amount and currency	Purpose of commission or gratuity
NONE	NONE	NONE

We understand that you are not bound to accept the lowest or any tender you receive.

We hereby confirm that this tender complies with the tender validity and Tender Security required by the tendering documents and specified in the Tender Data Sheet.

Authorized Signature: \_\_\_\_\_



Name and Title of Signatory: **Murtaza Taher Jafferji**

Name of Tenderer: **Mohammedi Builders Ltd**

Address: P. O Box 38439, Dar es Salaam, Tanzania



**Mohammedi Builders Ltd.**

PO Box 38439,  
Coca Cola Road  
Mikocheni Industrial Area  
Dar Es Salaam, Tanzania  
+255 22 270 1284

MINUTES OF NEGOTIATION

**MUHTASARI WA KIKAO CHA KAMATI YA MAJADILIANO NA  
MKANDARASI ALIYEPENDEKEZWA KUTEKELEZA MRADI WA  
SOKO LA MACHINGA MCHAFUKOGA TAREHE 17.06.2022**

**1.0 UTANGULIZI**

Halmashauri ya Jiji la Mwanza ilipokea fedha kiasi cha Milioni Mia Tano (Tsh 500,000,000/=) kutoka Serikali Kuu na Fedha kiasi cha Milioni Mia Mbili na Kumi, Mia Tano Hamsini na Sita Eflu na Shilingi Arobaini (Tsh 210,556,040/=) Kutoka katika mapato ya ndani zimetengwa katika Mwaka wa fedha 2022/23 na kufanya jumla ya Tsh 710,556,040 /= Kwa ajili ya Ujenzi wa Soko la wafanyabiashara wadogo (Machinga) eneo la Mchafukoga kata ya Mkuyuni.

Halmashauri ya Jiji la Mwanza kwa kushirikiana na mtaalamu mshauri iliandaa nyaraka za zabuni na kwa kuzingatia taratibu za manunuzi ilimpendekeza mkandarasi Mohammedi Builders Limited wa Dar es Salaam kutekeleza mradi huu ambaye alitenda kwa gharama ya **Tshs. 1,135,924,817.00 (Bilioni moja, milioni mia moja thelathini na tano, laki tisa elfu ishirini na nne mia nane kumi na saba tu)** ikiwa ni pamoja na kodi ya ongezeko la thamani (VAT).

**2.0 TIMU YA MAJADILIANO**

Mkurugenzi wa Jiji aliunda Timu ya majadiliano na mkandarasi ili kupitia kazi zote zilizopangwa kufanyika awamu hii na kuangalia kama kuna namna ya kupunguza gharama za ujenzi huu kutokana na ufinyu wa bajeti iliyotengwa.

Majina ya Timu ya Majadiliano ni kama yanavyoonekana kwenye Jedwali Na.1: -

**Jedwali Na.1-Majina ya Timu ya Majadiliano**

<b>Na.</b>	<b>Jina la Mjumbe</b>	<b>Nafasi</b>	<b>Sehemu Anayotoka</b>	<b>Taaluma/Ujuzi</b>
1.	Eng. Tunaye N. Mahenge	Mwenyekiti	Halmashauri ya Jiji la Mwanza	Mhandisi Ujenzi
2.	Kepha S. Mashimba	Katibu	Halmashauri ya Jiji la Mwanza	Mchumi
3.	Sam W. Mwita	Mjumbe	Halmashauri ya Jiji la Mwanza	Afisa Manunuzi
4.	Qs. Alex Charles	Mjumbe	ECODESIGN	Mkadiriaji Majenzi

### 3.0 DHUMUNI LA MAJADILIANO



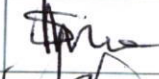

Dhumuni kuu la majadiliano haya ni kupitia nyaraka alizojaza mkandarasi kwenye kipengere cha kazi za awali (Preliminaries) na kubaini ambazo hazitafanyika kwa awamu ya kwanza na kuziondoa ili kupunguza gharama za utekelezaji wa mradi huu.

3.1 Maeneo ya majadiliano Jedwali Na. 2:-

#### Jedwali Na.2- Majadiliano ya Mkataba

Na	Eneo ya Majadiliano	Dhumuni	Makubalaiano
1.	Gharama za kazi za awali (Preliminaries and provisional sum)	Kupunguza gharama za kuandaa eneo la Mradi kwa kuwa ni sehemu moja tu ya mradi kati ya nne inayoanza kutekelezwa (Block D)	Mkandarasi amekubali kupunguza gharama za kazi za awali kutoka <b>Tshs. 228,000,000/=</b> Hadi <b>Tshs. 78,000,000/=</b> na kufanya gharama za mradi kuwa <b>Tshs. 958,924,817/=</b>

### 3.0 KUMBUKUMBU ZA SAHIHI ZA MAJADILIANO YA MKATABA NA ZIMESAINIWA NA TIMU YA MAJADILIANO TAREHE 17 JUNI, 2022

NA	JINA LA MJUMBE	NAFASI	SAINI
1.	Eng. Tunaye N. Mahenge	Mwenyekiti	
2.	Kepha S. Mashimba	Katibu	
3.	Sam W. Mwita	mjumbe	
4.	Qs. Alex Charles	Mjumbe	

Naomba kuwasilisha,



Eng. Tunaye Nalbeth Mahenge,  
MWENYEKITI WA KAMATI YA MAJADILIANO  
MWANZA CC

## RECORD OF NEGOTIATIONS

Name of the Procuring Entity: MWANZA CITY COUNCIL

Tender ID No.: LGA/089/2021-2022/01

Subject of Procurement: Construction Of Machinga Market At Mchafukoga



Method of Procurement: SINGLE SOURCE

Date of Negotiation: 17/06/2022

### PART 1: RECORD OF NEGOTIATIONS

ISSUE	AGREEMENT (WITH FULL DETAILS)
Preliminary Cost	<p>The parties have agreed that:</p> <p>a) Since the contractor is undertaking similar projects with the client, i.e., Construction of Mwanza Central Market and Nyegezi Bus Terminal, mobilization cost of various resources are to be reduced.</p> <p>b) At this stage only construction of wing D will be implemented, hence preliminary cost should not include other wings as per master plan.</p> <p>Both parties agreed that Preliminary Cost and provisional sum should be reduced from Tshs. 228,000,000/= to Tshs. 78,000,000=.</p> <p>In this regard instead of TZS One billion one hundred thirty five million, nine hundred twenty four thousand eight hundred seventeen (1,135,924,817.00) the quoted contract sum for Mchafukoga market (wing D, stairs and retaining wall), the agreed contract sum now will be TZS Nine hundred fifty eight million, nine hundred twenty four thousand eight hundred seventeen (958,924,817.00) VAT inclusive.</p>

We hereby certify that the above is a true and accurate record of the negotiations:

For the Procuring Entity	For the Tenderer/Consultant
Signature: 	Signature: 
Name: ENG. TWAYE MAWENGE	Name: MURTAZA TAHER JAFFERJI
Position: CHAIRMAN	Position: MANAGER - M&E
Date: 17/6/2022	Date: 17/06/2022

