



UNITED REPUBLIC OF TANZANIA
MINISTRY OF NATURAL RESOURCES AND TOURISM

TANZANIA WILDLIFE MANAGEMENT AUTHORITY
OFFICE OF THE CONSERVATION COMMISSIONER

Kingolwira Area, Dar es Salaam Road, TAFORI Building,
P.O Box 2658, Morogoro -Tanzania



CONTRACT

Between

TANZANIA WILDLIFE MANAGEMENT AUTHORITY

AND

GEN COM TANZANIA LTD

FOR

Rehabilitation of 42 km of road networks along Inyonga-
Isanga at Rungwa Game Reserve

TENDER NO: AE/084/2021-2022/HQ/TCRP/W/1 Lot 9

December, 2021

FORM OF CONTRACT

THIS AGREEMENT is made on 30 day of December 2021 between Tanzania Wildlife Management Authority, Dar es Salam Road, TAFORI Building, Kingolwira Area P O BOX 2658 Morogoro, Tanzania (hereinafter referred to as "the Employer") on the one part and GEN COM TANZANIA LTD OF P.O.BOX 60211 DAR ES SALAAM, (hereinafter referred to as "the Contractor") on the other part:

Whereas the Employer is desirous that Contractor execute Rehabilitation of 42 km of road networks along Inyonga-Isanga at Rungwa Game Reserve Tender No. AE/084/2021-2022/HQ/TCRP/W/1 Lot 9 for the contract sum of TZS 399,012,377.23 (Tanzanian Shillings Three Hundred Ninety Nine Million Twelve Thousands Three Hundred Seventy Seven Twenty Three Cents Only VAT INCLUSIVE) hereinafter referred to as the "contract price" for a duration of Five (5) months.

Now this Agreement witnessed as follows:

1. In this Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to, and they shall be deemed to form and be read and construed as part of this Agreement.
2. The following documents shall be deemed to form and be read and construed as part of this Agreement, In the event of any ambiguity or conflict between the Contract Documents listed below, the order of precedence shall be the order in which the Contract Documents are listed below: -
 - (a) Form of Contract;
 - (b) Form of Tender
 - (c) Letter of award
 - (d) Letter of acceptance
 - (e) Special Conditions of Contract;
 - (f) General Conditions of Contract;
 - (g) Specifications
 - (h) Architectural Drawings
 - (i) Tenderer Bill of Quantity (BOQ);
 - (j) Notarized Power of Attorney
 - (k) Minutes of Negotiations;
 - (l) Appendices:
 - . Tender Security Declaration
 - . Performance Security
 - . Bank Guarantee
 - . Anti-bribery policy
3. All the aforesaid documents are hereinafter referred to as 'the Contract' and shall be taken as complementary and mutually explanatory of one another but in case of ambiguities or discrepancies shall take precedence in the order set out above.



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Title:..

- 4. In consideration of the payments 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 in conformity, in all respects, with the provisions of the Contract.
- 5. The Employer hereby covenants to pay the Contractor in consideration of the execution and completion of the works, the for the contract sum of **TZS 399,012,377.23 (Tanzanian Shillings Three Hundred Ninety Nine Million Twelve Thousands Three Hundred Seventy Seven Twenty Three Cents Only VAT INCLUSIVE)** hereinafter referred to as the "contract price" for a duration of five (5) months

IN WITNESS whereof, the parties hereto have set their hands and seals on the day and year first above written.

EMPLOYER

Delivered in presence of us

This 30 day of DECEMBER 2021

Full Name: MILAGE YUSSUF KABANGE

Signature: [Signature]

P O Box 2658 MOROGORO

Title: FOR: CONSERVATION COMMISSIONER

For: CONSERVATION COMMISSIONER
TANZANIA WILDLIFE MANAGEMENT AUTHORITY
MOROGORO

WITNESS

Full Name: STEPHEN MWAMASENJE

Signature: [Signature]

P O Box 2658 MOROGORO

Title: SENIOR LEGAL OFFICER

CONTRACTOR:

This 30 day of DECEMBER 2021

Full Name: M RAMILO RAJABU SURU

Signature: [Signature]

P O Box 60211 DAR ES SALAAM,

Title: MANAGING DIRECTOR



[Handwritten mark]

[Handwritten mark]

4. In consideration of the payments 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 in conformity, in all respects, with the provisions of the Contract.
5. The Employer hereby covenants to pay the Contractor in consideration of the execution and completion of the works, the for the contract sum of **TZS 399,012,377.23 (Tanzanian Shillings Three Hundred Ninety Nine Million Twelve Thousands Three Hundred Seventy Seven Twenty Three Cents Only VAT INCLUSIVE)** hereinafter referred to as the "contract price" for a duration of five (5) months

IN WITNESS whereof, the parties hereto have set their hands and seals on the day and year first above written.

EMPLOYER

Delivered in presence of us

This 30 day of DECEMBER 2021

Full Name: MLAGE YUSSUF KABANGE

Signature: [Signature]

P O Box 2658 MOROGORO

Title: FOR: CONSERVATION COMMISSIONER

WITNESS

Full Name: STEPHEN MWAMASENDELE

Signature: [Signature]

P O Box 2658 MOROGORO

Title: SENIOR LEGAL OFFICER

For: CONSERVATION COMMISSIONER
TANZANIA WILDLIFE MANAGEMENT AUTHORITY
MOROGORO

CONTRACTOR:

This 30 day of DECEMBER 2021

Full Name: MRAMILO RAJABU SURU

Signature: [Signature]

P O Box 60211 DAR ES SALAAM,

Title: MANAGING DIRECTOR



[Signature]

WITNESS

Full Name..... ALLY IDD KIMOLO

Signature..... [Signature]

P O Box 60211 DAR ES SALAAM,

Title:..... STORE KEEPER

[Signature]



TANZANIA WILDLIFE MANAGEMENT AUTHORITY - TAWA

Dar es salaam Road, TAFORI Building Kingolwira Area, P.O. Box 2658, **Morogoro**,
Phone: 023 - 2934204 - 11, Email: cc@tawa.go.tz

Ref. No. CDA.62/655/01

29th December, 2021

Managing Director,
Gen Com Tanzania Ltd
P. O. Box 60211
DAR ES SALAAM

**RE: REHABILITATION OF 42 KM OF ROAD NETWORK ALONG INYONGA –
ISANGA ROAD AT RUNGWA GAME RESERVE**

(Tender No. AE/084/2021-22/HQ/TCRP/W/I LOT 9)

Sub: Notification of Contract Award

This is to notify you that, the Tender Board Meeting held on 28th December, 2021 has approved your tender for a rehabilitation of 42 km of road network along Inyonga road at Rungwa Game Reserve.

You will undertake rehabilitation of 42 km of road network at a contract price of **TZS 399,012,377.23 (Tanzanian Shillings Three Hundred Ninety Nine Million Twelve Thousand Three Hundred Seventy Seven and Twenty Three Cents Only)** VAT Inclusive for a duration of five months.

You are therefore required to confirm your acceptance in writing immediately for further action.

Best regards.

M. Y. Kabange
For. CONSERVATION COMMISSIONER



Gen Com Tanzania Ltd

P. O. Box 60211 Dar es Salaam Tanzania. Tel+255 22 2451872

Fax:+255 22 2451734 Mob: +255 713 292 988, 0789292 988, Plot No. 251,

Opp. Sao Hill Mandela Road. Email: gencomltd@yahoo.com

GCTL/2021/112

30th December, 2021

CONSERVATION COMMISSIONER
TANZANIA WILDLIFE
MANAGEMENT AUTHORITY –
TAWA
P.O.Box 2658,
MOROGORO.

Dear Sir/Madam,

REHABILITATION OF 42KM OF ROAD NETWORK ALONG INYONGA-ISANGA ROAD AT RUNGWA GAME RESERVE .Tender No:AE/084/2021-22/HO/TCRP/W/ 1 LOT 9.

Sub:Notification of Contract Award

Reference is made to the above heading.

Kindly we acknowledge receipt of your letter with reference No;CDA.62/655/01 dated 29th December,2021,we hereby confirm and accept your offer as negotiated and agreed. Please proceed with further steps of contract.

Yours faithfully,

For and on behalf of
Gen Com Tanzania Limited,

.....
Suru M.R
MANAGING DIRECTOR

Special Conditions of Contract (SCC)

The following Special Conditions of Contract shall supplement the General Conditions of Contract. Whenever there is a conflict, the provisions herein shall prevail over those in the General Conditions of Contract. Except where otherwise indicated, all Special Conditions of Contract should be filled in by the Employer prior to issuance of the Tendering Documents. Schedules and reports to be provided by Employer should be annexed.

SCC Clause	GCC Clause	Description
1	1.1	<p>A. General</p> <p>The Employer is: Tanzania Wildlife Management Authority, Dar es Salam Road, Tafori Building, Kingolwira Area P O BOX 2658 Morogoro, Tanzania. Email: <u>cc@tawa.go.tz</u></p> <p>The Contractor is: GEN COM TANZANIA LTD OF P.O.BOX 60211 DAR ES SALAAM Email: gencomltd@yahoo.com</p> <p>The Adjudicator is: National Construction Council of Tanzania</p> <p>The Defects Liability Period: 180 days.</p> <p>The Project Manager is: Eng. Samwel P. Wangwe</p> <p>The Works: Rehabilitation of 42KM of Road networks along Inyonga-Isanga at Rungwa Game Reserve.</p> <p>Mobilization Period shall be 7 days</p> <p>The Start Date shall be one day after Mobilization</p> <p>Completion Date: Shall be five (5) months after 7 days of mobilization.</p> <p>The Site is: located at Rungwa Game Reserve, Manyoni District.</p>
2.	2.2	Indicate whether sectional completion - NA
3.	2.3(10)	List other documents that form part of the contract if any:

		<ul style="list-style-type: none"> (a) Form of Contract; (b) Form of Tender (c) Letter of award (d) Letter of acceptance (e) Special Conditions of Contract; (f) General Conditions of Contract; (g) Specifications (h) Architectural Drawings (i) Tenderer Bill of Quantity (BOQ) (j) Notarized Power of Attorney (k) Minutes of Negotiations
4.	4.1	<p>The language of the Contract documents is: English.</p> <p>The law that applies to the Contract is the Laws of Tanzania.</p>
5	8.1	<p>Address for communication Employer's: Tanzania Wildlife Management Authority P.O.Box 2658 Morogoro Contractor: Gen Com Tanzania Ltd of P.O.Box 60211 Dar Es Salaam</p>
6.	12.1	Include the Schedule of Other Contractors, if any. N/A
7.	13.1	<p>Key Personnel:</p> <ul style="list-style-type: none"> i. Project Manager ii. Site Engineer iii. Site technician iv. Foremen
8.	17.1	<p>The minimum insurance covers shall be:</p> <ul style="list-style-type: none"> a) Loss of or damage to the Works, Plant, and Materials; b) Loss of or damage to Equipment; c) Loss of or damage to property (except the Works, Plant, Materials, and Equipment) in connection with the Contract; and d) Personal injury or death.
9.	18.1	<p>Site Investigation Reports available to the Tenderer are: Where there is material testing and investigation report, it will be for information only.</p>
10.	26.4	<p>The other measures include:</p> <ul style="list-style-type: none"> a) Minimizing the number of migrant workers employed on the project and household in the site camp

10.	26.4	The other measures include: a) Minimizing the number of migrant workers employed on the project and household in the site camp b) Providing access to voluntary counseling and testing (VCT) c) Providing psychological support and health care including prevention and treatment of opportunistic infections for workers infected and affected, as well as their families d) Providing condoms (male and female) to workers
11.	28.1	The Site Possession Date shall be: Within seven (7) days after the signing of contract.
12	31.1	Appointing Authority for the Adjudicator: National Construction Council Tanzania.
13.	32.2	If either Party is dissatisfied with the Adjudicator's decision may, refer the dispute for arbitration within 45 days
14.	32.3	Arbitration will take place at Morogoro in accordance with arbitration procedures published by the National Construction Council of Tanzania.
B. Time Control		
16.	36.1	The Contractor shall Submit a Programme for the Works within Seven (7) days of delivery of the Letter of Acceptance.
17.	36.2	The period between Programme updates is 14 days.
18.	36.2	The amount to be withheld by the Project Manager in the case the contractor does not submit an updated program: TZS 600,000.00
C. Quality Control		
19.	44.1	The Defects Liability Period is 180 days.
D. Cost Control		
20	52.7	Minimum Amount of Interim Payment Certificate will be: 25 % of the contract price
21	54.1	The currency of payment shall be: Tanzanian Shillings.

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22.	57	The contract "is not" subjected to price adjustment in accordance with Clause 49 of the General Condition of the contract.
23.	58.1	The amount of retention is 10% of value of works of Interim Payment Certificate'. Limit of retention will be 10% of contract price.

24.	59.1	The amount of liquidated damages per day is 0.1 percent of contract price per day The maximum amount of liquidated damages must be equivalent to the amount of the performance security which is 10% of the performance security
25.	60.1	The bonus for early completion is: N/A
26.	61.1	The amount of advance payment shall be 15 % per cent of the contract sum payable after contract signing. No later than 28 days after submission of Bank Guarantee. Recovery of Advance Payment will be started "after 20% of the works is completed" and will be exhausted as 80% of the works is completed.
27.	62.1	The Performance Security shall be: 10 % of the contract price in the form of: 1. Bank Guarantee
28	66.1	Contractor shall handover the site and the works to the Employer within 7 days after issuance of certificate of completion.
		E. Discharge of the Contract
29.	68.1	As built drawings shall be supplied by the contractor by 30 days after Practical Completion Certificate. Operating manual shall be supplied by the contractor by : N/A
30.	68.2	The amount to be withheld by the Project Manager in the case the contractor does not submit as built drawings is: TZS 600,000.
32.	70.1	The percentage to apply to the value of the work not completed, representing the Employer's additional cost for completing the Works, 20%

TANZANIA WILDLIFE MANAGEMENT AUTHORITY (TAWA) MINUTES OF THE NEGOTIATIONS MEETING WITH M/S GEN COM TANZANIA LTD FOR TENDER NUMBER AE/084/2021/2022/HQ/TCRP/W/01 LOT 9 FOR PROPOSED PERIODIC MAINTENANCE ALONG INYONGA – ISANGA ROAD AT RUNGWA GAME RESERVE HELD ON TUESDAY 28TH DECEMBER 2021 AT TAFORI MLELE GIS ROOM 15:51 TO 16:35 HOURS.

Present

- | | | |
|----------------------|---|-------------|
| 1. Jafari Sozi | - | Chairperson |
| 2. Esther Mwasampeta | - | Secretary |
| 3. Samwel Wangwe | - | Member |
| 4. Mzamilo Suru | - | Contractor |

Agenda:

1. Opening of the Meeting
2. Adoption of the Agenda
Registration of Conflicts of interest
3. Negotiations on Minor alterations on Bill of Quantity
4. Negotiations on Tender Price.
5. Negotiations on terms and Condition of Payment
6. Negotiations on Completion and working Schedule of the project
7. Negotiations on Certificate and inspection of Project
8. Register of power of attorney
9. Defect liability Period
10. Liquidated Damage
11. Any Other Business (AOB)
12. Closing of the Meeting

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Agenda 1.0 **Opening of the Meeting**

Minute 1.0 The Chairperson **welcomed** the members and Contractor Representative to introduce themselves opened the meeting at 15:51 hours.

Agenda 2.0 **Adoption of the Agenda**

Minute 2.1 Agenda was adopted accordingly.

Agenda 3.0 **Registration of Conflicts of Interests**

Minute 3.1 Noted: no members registered conflicts of interest on any of the agenda items.

Agenda 4.0 **Minutes 4.0 Negotiations on Minor alterations in Bill of Quantity**

Minute 4.1.3 **Agreed:** To change the scope of work from 65km to 42Km that contractor sum was reduced from **TZS 528,259,568/=** to **TZS 437,753,568/=**

Minute 4.1.4 **Further Agreed:** The bush clearance was to be reduced from ~~TZS~~ ^{390,000/=} to ~~TZS~~ ^{294,000/=} ~~per~~ square meter.

Minute 4.1.5 **Agreed:** The contractor to offer a discount of 8.85% for the works therefore the Contract price was reduced from **TZS 437,753,568.00 VAT Inclusive** to **TZS 399,012,377.23 VAT Inclusive**.



Agenda 5.0 Agreed: That the contract amount for Proposed Periodic Maintenance of 42Km Along Inyonga – Isanga Road at Rungwa Game Reserve is **TZS 399,012,377.23** inclusive of VAT and local charges (Say Three hundred Ninety-Nine Million and Twelve Hundred Thousand Three Hundred Seventy-Seven Shillings only).

Agenda 5.0
Minute 5.1

Terms and Condition for Payment.

Agreed: Payment will be made within twenty eighty (28) days after the approval of interim certificate raised by Contractor.

Minute 5.1.1

Agreed. Advance payment of 30% will be made to contractor after the submission and approval of Advance payment Guarantee in form of Unconditional Bank Guarantee from reputable Bank or Insurance Bond. Performance security is 10% and will be in form of insurance bond from reputable Company.

Minutes 5.1.2

Agreed: Amount to be retained will be 10% of approved interim certificate submitted by Contractor and the total amount retained will be paid after the defect liability period. The limit of retention will be 5% after the Penaultment certificate.

Agenda 6.0

Negotiations on Work Schedule and Completion of Project.

Minute 6.1

Agreed: The Project will be Completed not more than Six Month (6) after the Mobilization Period.

Minutes 6.1.1

Agreed: Site Possession will be within seven (7) days after signing the Contract

Minute 6.1.2

Agreed: The Contractor to submit the revised work program within Seven Days after the site Possession.

Minutes 6.1.3

Agreed: The mobilization period will be Seven Days (7) after site possession

meeting.

Agenda 7.0 **Acceptance/Completion and inspections certificate.**

Minute 7.1 **Informed:** that Project will be subjected to 100% inspection and Audits.

Minutes 7.1.1 **Agreed:** The Contractor shall permit the Auditors either from TAWA (internal Auditors) or Control and Auditor General (CAG) and Political Leaders at any time during the Project implementation.

Minutes 7.1.2 **Agreed:** The contractor shall comply with instructions given by the Project Manager in writing on any matter related to the contract and should handover the project after the site inspection and awarded the certificate of Practical Completion.

Agenda 8.0 **Register of power of attorney (POA)**

Minutes 8.1 **Agreed:** Contractor should register the power of attorney immediately after Client offer and submit the copy to Client

Minutes 8.2 **Agreed:** Contractor will be responsible to register the project to CRB and submit to client copy of registration number for the purpose of record keeping.

Minute 8.3 **Agreed:** that the Contractor should provide the insurance to workers during the project implementation.

Defect Liability Period

Agenda 9.0

Agreed defect liability period is 180 days.

Minute 9.1

Liquidated Damages

Minute 9.0

Parties agreed that 0.1% per day will be charge for delayed to completed

Minute 9.1

Project on time as it describes in tender data sheet.

Agenda 10.0

Any other Business

Minutes 11.1

Informed: The Projects will be implemented in Reserves and hence contractors should follow the rules and regulation avail in these. The contractor should provide the notice board in his office where the working programmed and drawings should be laid. Contractors should keep the insurance to his worker

Agenda 12.0

Closing the Meeting

Minutes 12.1

The Chairperson thanked Participant for their deliberations and patience during the meeting and finally closed the meeting at 16:35hrs.

CERTIFIED AS TRUE RECORDS OF THE PROCEEDINGS

Signature.....
Chairperson of the Meeting

Signature.....
Secretary of the Meeting

Date..... 28/12/2021

Date..... 28/12/2021

Signature.....
Contractor representative.....
Date..... 28.12.2021



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Gen Com Tanzania Ltd

P.o.Box 60211 Dar es Salaam Tanzania. Tel/ Fax: +255 22 2451734
Mob: +255 713 292 988/789 292 988, Plot No. 251, Opp. Sao Hill Mandela Road.
Email: gencomltd@yahoo.com

GCTL/2021/108

20th December 2021

THE SECRETARY,
WILDLIFE MANAGEMENT AUTHORITY;
P.O. BOX 2658
MOROGORO

Dear Sir/Madam,

RE: DECLARATION OF ABSENCE OF LITIGATION WITH ANY PERSON.

The heading above refers.

GEN COM TANZANIA LIMITED declares that it does not have any litigation with any person or part, pending or finalized.

This declaration is made conscientiously and is verily true according to the information and records available pertaining to the company.

Kindly be informed accordingly.

Yours faithfully,

For and on behalf of
GEN COM TANZANIA LIMITED,

.....
SURU M.R
MANAGING DIRECTOR.



BEFORE ME

