

FORM OF CONTRACT

This Contract is made the 28 day of 12 2021.

Between

The Rural Water Supply and Sanitation Agency (RUWASA), having its physical address at NBC Bank, Mazengo Branch, Kuu Road, P.O. Box 412, 40473 **DODOMA**, Tanzania (hereinafter called "**the Employer**") of the one part;

And

M/s. CONSEL CONSTRUCTION AND ENGINEERING SERVICES P.O. Box 7655 MWANZA, Tanzania (hereinafter called "**the Contractor**") of the other part.

Both the Employer and the Supplier shall collectively and jointly be known as "**Parties**".

WHEREAS:

- (a) The Employer is a Government Agency established under the Water Supply and Sanitation Act No. 5 of 2019 which is responsible for development and sustainable management of rural water supply and sanitation projects and the provision of water supply and sanitation services in rural areas;
- (b) The Contractor is a Company registered under the Laws of Tanzania which is responsible for Construction of Civil works and register CRB Class V
- (c) The Employer invited Tender for Construction of Water Supply Scheme Lemeshiri Ngorongoro Tender No: AE-102/2021-2022/ARS/C/W/03 under the terms and conditions set forth in this Contract;
- (d) The Contractor having represented to the Employer that it has the required professional skills, expertise and technical resources, the Employer through the Letter of Notification of Award of Tender with Ref. Ref. No. DA.130/258/01/217 Dated 19th December, 2021 awarded a Tender to the Contractor at the contract sum of **Three Hundred Fourteen Million Eleven and Fifty Cents Only (314,000,011.50) VAT Exclusive** (hereinafter referred to as "**the Contract Price**").

NOW THEREFORE the Parties hereby agree as follows:

1. In this contract, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract referred to.

2. The following documents shall be deemed to form and be read and construed as an integral part to this contract, and shall be taken as complementary and mutually explanatory of one another but in the event of ambiguities, inconsistency or discrepancies within the Contract, the documents shall take precedence/prevail in the order set out below:

- a) Form of Contract;
- b) Special Conditions of Contract;
- c) General Conditions of Contract
- d) Notification of Award of Tender;
- e) Letter of Acceptance;
- f) Priced Bill of Quantities
- g) Ant- bribery Memorandum
- h) Technical Specifications;
- i) Drawings
- j) APPENDICES
 - Forms of Securities;
 - Registered Power of Attorney;
 - Minutes of Negotiation Meeting

3. 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 provide the said contractor and to remedy defects therein in conformity in all respects with the provisions of the Contract.

4. The Employer hereby covenants to pay the Contractor in consideration of the for Construction of Water Supply Scheme Lemeshiri Ngorongoro Tender No: AE-102/2021-2022/ARS/C/W/03 the sum of **Hundred Fourteen Million Eleven and Fifty Cents Only (314,000,011.50) VAT Exclusive** (hereinafter referred to as "**the Contract Price**"), at the times and in the manner prescribed in this Contract.

5. The Employer hereby covenants to pay the Contractor in consideration of the provision of goods and services and the remedying of defects therein in the manner prescribed under Clause 18 of the SCC both for goods supplied from abroad and goods and services supplied from within the United Republic of Tanzania as follows:

- a) 15% Advance Payment shall be paid to the Supplier within twenty Eighty (28) days after the date of Signing of the Contract. The Contract price shall be paid in **Tanzanian Shillings** as stipulated under Clause 18 of the SCC.

6. The contract shall be executed for the period of **three month (3)** which shall immediately commence from the date of signing this Contract.

IN WITNESS whereof, the parties hereto have caused this Contract to be executed in accordance with their respective laws the day and year first above written.

FOR AND ON BEHALF OF THE EMPLOYER:

Signature: *[Signature]*
Name: Eng. JOSEPH E. MAKALID
Title: REGIONAL MANAGER
Date: 28/12/2021
Seal:

RUWASA REGIONAL MANAGER
ARUSHA

In the presence of:

Signature: *[Signature]*
Name: Eng. Gerald P. Andaw
Title: DM - Ngorongoro
Date: 28/12/2021

MENEJA WA RUWASA
NGORONGORO

FOR AND ON BEHALF OF THE SUPPLIER:

Signature: *[Signature]*
Name: LEONARD MUSA BI
Title: MANAGING DIRECTOR
Date: 28 - 12 - 2021
Seal:

CONSEL - CONSTRUCTION &
ENGINEERING SERVICES LTD.
P. O. Box 7655
MWANZA

In the presence of:

Signature: *[Signature]*
Name: Nicas Petrus Manyenge
Title: Technical Director
Date: 28/12/2021
Seal:

CONSEL - CONSTRUCTION &
ENGINEERING SERVICES LTD.
P. O. Box 7655
MWANZA

[Signature]