



RUWASA
Rural Water Supply and Sanitation Agency

CONTRACT NO. AE-102/2021-2022/HQ-C/W/75

BETWEEN

RURAL WATER SUPPLY AND SANITATION AGENCY

(THE EMPLOYER)

AND

M/S. SIR PHILTON COMPANY.

(THE CONTRACTOR)

FOR

**CONSTRUCTION OF MKOMBA -BWIPA WATER (COVID-19) SUPPLY PROJECT
IN ILEJE & MOMBA DISTRICT, SONGWE REGION.**

TENDER NO.AE-102/2021-2022/HQ-C/W/75

DECEMBER, 2021

FORM OF CONTRACT

This Contract is made the 11th day of January 2022

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. SIR PHILTON COMPANY, having its business address at P. O. Box 1049, **DAR ES SALAAM**, (hereinafter called "**the Contractor**") of the other part.

The Employer and the Contractor shall collectively and jointly be known as "**Parties**".

WHEREAS:

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;

The Contactor is a class Six local Company registered under the Laws of Tanzania which is responsible for Civil and Building works;

The Employer invited Tenders for Construction of Mkomba -Bwipa (**COVID-19**) Water Supply project in Ileje and Momba Districts, Songwe Region, Tender No. **AE-102/2021-2022/HQ-C/W/75** under the terms and conditions set forth in this Contract; and

The Contractor having represented to the Employer that it has the required professional skills, expertise and technical resources, the Procuring Entity through the Letter of Notification of Award of Tender with Ref. No.RWS.SNG/MKBWWP/COVID-19/02/01 dated 26th December, 2021 awarded a Tender to the Contractor at the Contract sum of **Tanzanian Shillings Five Hundred Twenty-Six Million Thirty Five Thousand Nine Hundred Forty-Eight Twenty Seven Cents Only (Shs.526,035,948.27)** VAT inclusive. (Hereinafter referred to as "**the Contract Price**") The execution of works shall be

performed and completed for the period within one eighty **(180) days** (hereinafter called "Contract Period").

NOW THEREFORE the Parties hereby agree as follows:

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) Price Schedule (BOQ);
- (g) Anti – bribery Memorandum;
- (h) Technical Specifications;
- (i) Drawings; and
- (j) APPENDICES
 - (i.) Forms of Securities;
 - (ii.) Registered Power of Attorney; and
 - (iii.) 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 execute the proposed Construction of Mkomba and Bwipa **(COVID-19) Water Supply Project** in Ileje and Momba Districts, Songwe Region (hereinafter called "**the Works**") 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 execution and completion of the works, the sum of **Tanzanian Shillings Five Hundred Twenty-Six Million Thirty Five Thousand Nine Hundred Forty-Eight Twenty Seven Cents Only (Shs.526,035,948.27)** VAT inclusive, at the times and in the manner prescribed in this Contract.



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 in the following manner:


- (a) Advance Payment **fifteen (15%)** of the Contract value upon submission of an acceptable and unconditional Bank Guarantee from a reputable Bank.
- (b) **80%** of the payments shall be made upon submission and acceptance of certificate and it shall be paid to the Contractor within twenty-eight (28) days after the date of the acceptance of certificate by the Employer: And
- (c) 5% as retention paid after Defect Liability Period.

The Contract price shall be paid in **Tanzanian Shillings** as stipulated under Clause 18 of the SCC.

The contract shall be executed for the period of **one hundred eighty (180) days** which shall immediately commence from the date of site handing over to the Contractor.

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:

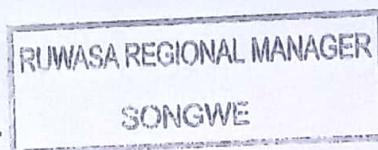
Signature: 

Name: Eng. Charles Pombe

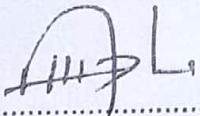
Title: RM

Date: 1/01/2022

Seal:



In the presence of:

Signature: 

Name: Eng. RESHA, ANDREW

Title: DM

Date: 1.01.2022

5. 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 in the following manner:

(a) Advance Payment **fifteen (15%)** of the Contract value upon submission of an acceptable and unconditional Bank Guarantee from a reputable Bank.

(b) **80%** of the payments shall be made upon submission and acceptance of certificate and it shall be paid to the Contractor within twenty-eight (28) days after the date of the acceptance of certificate by the Employer: And

(c) 5% as retention paid after Defect Liability Period.

6. The Contract price shall be paid in **Tanzanian Shillings** as stipulated under Clause 18 of the SCC.

7. The contract shall be executed for the period of **one hundred eighty (180) days** which shall immediately commence from the date of site handing over to the Contractor.

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:

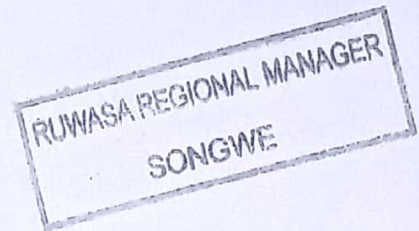
Signature: 

Name: Sgt. Charles Pamba

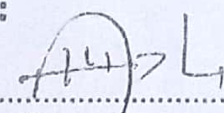
Title: RM

Date: 11/01/2022

Seal:



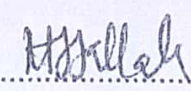
In the presence of:

Signature: 1 

Name: EMR. JESHA ANDREW

Title: DM

Date: 11.01.2022

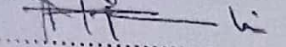
Signature: 2 

Name: ENS. Mansi Mgallah

Title: DM

Date: 11.01.2022

FOR AND ON BEHALF OF THE CONTRACTOR:

Signature: 

Name: PHILIP CHIMBENI NJAUKE

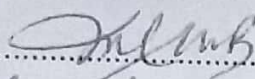
Title: Managing Director

Date: 11/1/2022

Seal:

SIR PHILTON CO LTD
P.O. Box 10049
DAR ES SALAAM

In the presence of:

Signature: 

Name: Charles Mtwewe

Title: Director

Date: 11/01/2022

Seal:

SIR PHILTON CO. LTD
PO Box 10049
DAR ES SALAAM

