



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, IAFORI Building,
P.O Box 2658, Morogoro -Tanzania



CONTRACT

Between

TANZANIA WILDLIFE MANAGEMENT AUTHORITY

AND

HITAJI COMPANY LIMITED

FOR

Construction of Tourism Gate at Wamimbiki Game Reserve

TENDER NO: AE/084/2021/2022/HQ/TCRP/W/05 LOT 5

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 HITAJI COMPANY LIMITED of P.O.BOX 38368 DAR ES SALAAM, (hereinafter referred to as "the Contractor") on the other part:

Whereas the Employer is desirous that Contractor execute Proposed Construction of Tourism Gate at Wamimbiki Game Reserve Tender No. AE/084/2021/2022/HQ/TCRP/W/05 LOT 5 for the contract sum of TZS 577,598,925 (Tanzanian Shillings Five Hundred Seventy Seven Million Five Hundred Ninety Eight Thousand Nine Hundred Twenty Five 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.

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, for the contract price of **TZS 577,598,925 (Tanzanian Shillings Five Hundred Seventy Seven Million Five Hundred Ninety Eight Thousand Nine Hundred Twenty Five 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

For: CONSERVATION COMMISSIONER
TANZANIA WILDLIFE MANAGEMENT AUTHORITY
MOROGORO

WITNESS

Full Name: STEPHEN MWAMAJENJELE

Signature: [Signature]

P O Box 2658 MOROGORO

Title: SENIOR LEGAL OFFICER

CONTRACTOR:

This 30 day of December 2021

Full Name: YAHYA ALI

Signature: [Signature]

P O Box 38368 DAR ES SALAAM

Title: Manager Director



WITNESS

Full Name: ELHAFILI KISSE

Signature: [Signature]

P O Box 38368 DAR ES SALAAM

Title.....QUANTITY SURVEYOR.....



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,
HITAJI Company Limited
P. O. Box 38368
DAR ES SALAAM

**RE: CONSTRUCTION OF TOURISM GATE AND TOURIST INFORMATION
CENTER AT WAMIMBIKI GAME RESERVE**

(Tender No. AE/084/2021-22/HQ/TCRP/W/5 LOT 5)

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 the Construction of Tourism Gate, staff house, borehole, Visitors Information Centre, Curio Shop, Guard House, revenue Collection Point and Tourism Toilet at Wamimbiki Game Reserve.

You will construct a tourism gate, staff house, bore hole, Visitor information Center, curio shop, Guard house, Revenue collection point, resting huts, and tourism toilets at a contract price of TZS 577,598,925.00 (Tanzania Shillings Five Hundred Seventy Seven Million, Five Ninety Eight Thousand Nine hundred Twenty Five Only) VAT inclusive for a duration of five months.

Therefore, you are required to confirm your acceptance in writing immediately for further action.

M. Y. Kabange
For. CONSERVATION COMMISSIONER

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HITAJI HITAJI COMPANY LTD
P.O.Box 38368 Dar es salaam, Tanzania
Tel:+255718061997 Email:hitajicompanyltd@gmail.com

30th December,2021

Re. No. HCL/TAWA/2021/01

TANZANIA WILDLIFE MANAGEMENT
P.O.BOX 2658
MOROGORO

**RE: CONSTRUCTION OF TOURISM GATE AND TOURIST INFORMATION
CENTRE AT WAMIMBIKI GAME RESERVE**

(Tender no. AE/084/2021-22/HQ/TCRP/W/5 LOT5)

Sub: Letter of acceptance

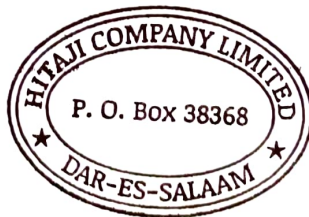
I refer to your letter with Ref. No. CDA.62/655/01 of 29th of December 2021 relating to our award of contract for construction of Tourism Gate, Staff house, Borehole, Visitors information centre, Curio shop, guard house, revenue collection point and tourism toilet at Wamimbiki Game Reserve.

We hereby accept the award, contract amounting to TZS577,598,925.00 (Tanzania Shillings Five Hundred Seventy Seven Million, Five Hundred and Ninety Eight Thousand, Nine Hundred and Twenty Five Only) VAT inclusive.

I thank you and look forward to working with you.

Yours Faithfully

Yahya Ali
Managing Director
Hitaji Co. Ltd



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 style="text-align: center;">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: cc@tawa.go.tz</p> <p>The Contractor is: HITAJI COMPANY LIMITED OF P.O.BOX 38368 DAR ES SALAAM Email: hitajicompanyltd@gmail.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: Proposed Construction of Tourism Gate at Wamimbiki 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 seven (7) days of mobilization.</p> <p>The Site is: located at Wamimbiki Game Reserve, Chalinze 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:

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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: 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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TANZANIA WILDLIFE MANAGEMENT AUTHORITY (TAWA) MINUTES OF THE NEGOTIATIONS MEETING WITH M/S HITAJI COMPANY LTD FOR TENDER NUMBER AE/084/2021/2022/HQ/TCRP/W/05 LOT 5 FOR PROPOSED CONSTRUCTION OF TOURISM GATE, GUARD HOUSE, REVENUE COLLECTION POINT, AND TOURISM TOILET AT WAMI-MBIKI GAME RESERVE HELD ON WEDNESDAY 29TH DECEMBER 2021 AT TAFORI MLELE GIS ROOM 15:39 TO 16:15 HOURS.

Present

- | | | |
|----------------------|---|-------------|
| 1. Jafari Sozi | - | Chairperson |
| 2. Esther Mwasampeta | - | Secretary |
| 3. Samwel Wangwe | - | Member |
| 4. Yahya Ali | - | Contractor |
| 5. Elifadhili Kisse | - | 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 5.0

Terms and Condition for Payment.

Minute 5.1

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 15% 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.

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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 16:15hrs.

CERTIFIED AS TRUE RECORDS OF THE PROCEEDINGS

Signature.....
Chairperson of the Meeting

Signature.....
Secretary of the Meeting

Date..... 29/12/2021

Date..... 29/12/2021

Signature.....

Contractor representative.....

Date..... 29.12.2021



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Handwritten signature

Handwritten initials

ATTENDANCE FOR NEGOTIATION MEETING BETWEEN TAWA AND HITAJI COMPANY LTD FOR
CONSTRUCTION OF TOURISM GATE AT WAMIMBIKI GAME RESERVE

S/N	NAME	FIRM	TITLE	SIGNATURE
1	Jafari Omary	TAWA	Chair person	
2	Esther Mwasampeta	TAWA	Secretary	
3	Samuel P. Wangwe	TAWA	Member	
4	Yahya A.	HITAJI CO. LTD	CONTRACTOR	
5	ELIFACHILI FICSE	HITAJI CO. LTD	Quantity Surveyor	

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