

FORM OF AGREEMENT

This Form of Agreement is made this 28 (day) of JUNE (Month), 2022 (Year)

BETWEEN

The Tunduma Town Council of P.O.BOX 73 Tunduma- Songwe, A Government Independent Department established under the Local Government Authorities Act, No 07 {CAP 288 R.E 2002} (herein after called 'the Employer') of the one part,

AND

ENG. LUSEKELO KIJALO, of P.O.BOX 4182, MBEYA, as personal established a legal person (herein-after referred as 'local fundi') of the other part engineer .

WHERE AS the Employer is desirous that the Contractor execute the provision of labour base contract for PROPOSED CONSTRUCTION OF MACHINGA OPEN MARKET AT TUNDUMA TOWN COUNCIL (Administration Block, Bank, Gard hart, Bar, Wash room and Fance) "Herein-after called 'the works'", Contract Number: LGA/167/TTC/2021/2022/MOM/01 at the sum of **Tanzanian Shillings Tanzanian Shillings Sixty Two millions only (TSH. 62,00,000.00) VAT** inclusive being calculated as not exceeding 25% of the costs of the material enumerated in the cost estimates.

AND WHERE AS the Contractor has accepted the award of the Contract for the execution and completion of such works and remedying of any defects therein as per conditions contained hereinafter,

AND WHERE AS the Employer is desirous to pay the Contractor in the sum of **Tanzanian Shillings Sixty Two millions only (TSH. 62,00,000.00) VAT Inclusive** (Hereinafter called "Contract Price")

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 shall be read and construed synonymously in this Agreement.
2. The following documents shall constitute the contract between the Employer and the Contractor, and they shall collectively be read and construed as integral part of the Contract:-
 - i. Form of Agreement,
 - ii. Invitation to Tender,
 - iii. Notification letter to award

- iv. Contractor's Letter of acceptance,
- v. The Special Conditions of Contract (SCC),
- vi. The General Conditions of Contract (GCC),
- vii. Priced Schedule of Materials (BoQ)
- viii. Priced Schedule of Materials and Labour
- ix. Technical Specifications,
- x. Drawings,
- xi. Negotiation minutes

3. In the event of any ambiguity or conflict between the Contract documents listed above, the order of precedence shall be the order in which the contract documents are listed in article 2 above.
4. The Employer hereby covenants to pay the local fund in consideration of the execution, completion of the works and remedying the defects thereof the tune of **Tanzanian Shillings Sixty Two millions only (TSH. 62,00,000.00) VAT inclusive** being calculated as not exceeding 25% of the costs of the material enumerated in the cost estimates.

The Contractor shall perform the works during the period three months (90 days) commencing on 28/06/22 and completion on 28/09/22 or any other period as may be subsequently agreed by the parties in writing.

5. The site meeting will be conducted after every fourteen (14) days on which the Contractor among other things shall be required to submit program of work for the next week to be discussed by the Parties.
6. The Contractor failure to meet seventy per cent (70%) of the program work as per clause five amounts to the breach of contract, subject to the Employers liability on supply of Scheduled Materials.
7. All scheduled Materials will be supplied by the employer at site and to be tested and verified at site before acceptance by the Consultant at the costs of the employer and the Consultant shall be at liberty to reject any non-conformity materials unless agreed otherwise in writing.

SIGNED FOR AND ON BEHALF
OF THE CLIENT:

Signature
(Name) HIEMBA M. MATEKA
(Occupation) TOWN DIRECTOR
HALMASHAURI YA MJI
TUNDUMA

In the presence of

Signature
(Name) AYUBU I. MUMBA
(Occupation) CHAIRMAN
HALMASHAURI YA MJI

20 JUN 2022

S. L. P. 73, TUNDUMA

CONTRACTOR (LOCAL FUNDI):

Signature
(Name) LUSEMELO KIJALO
(Occupation) Engineer
(Address) P.O. Box 4182 Mbeya

In the presence of

Signature
(Name) ELIJAH G. SIKAMBE
(Occupation) BASHARA
(Address) P.O. Box 4182 Mbeya

In the presence of

Signature
(Name) TIMOTEO MACHINDA
(Occupation) STATE ATTORNEY
(Address) 73 TUNDUMA

