

THE UNITED REPUBLIC OF TANZANIA
PRESIDENT'S OFFICE



REGIONAL ADMINISTRATION AND LOCAL GOVERNMENT
HAI DISTRICT COUNCIL
(All correspondence letter be address to Executive Director)



KILIMANJARO REGION
Tel : 077 - 2974369
Fax : 027 - 2974370
Email: ded@haidc.go.tz,

Executive Director's Office,
P. O. Box, 27,
HAI.

CONTRACT DOCUMENT

FOR

**CONSTRUCTION OF THREE IN ONE SEMIDETACHED
STAFF HOUSE RURAL TYPE**

AT CHEKIMAJI HEALTH CENTRE.

QUOTATION NO. LGA/047/2021-2022/HQ/W/07/LOT 2.

EMPLOYER:

DISTRICT EXECUTIVE DIRECTOR,
P.O.BOX 27
HAI.
KILIMANJARO.

CONTRACTOR:

THE REFERENCE POINT LIMITED,
P.O.BOX 66506,
MOSHI.
KILIMANJARO.

JANUARY, 2022.

FORM OF AGREEMENT

This contract made on the ⁰³..... day of ^{JANUARY}..... 2022.

BETWEEN

Hai District Council P.O Box 27 HAI (hereinafter referred as **"the Employer"**) of one part.

AND

M/S. The Reference Point of P.O Box 6506, Moshi (hereinafter referred as **"the Contractor"**) of the other party.

WHEREAS the Employer desirous that the works known as Construction of Three in One Semidetached Staff House Rural Type at Chekimaji Health Centre Should be executed by the Contractor, and the contractor has accepted the Bid for the execution and completion of these Works and the remedies of any defects herein, in the sum of **Tshs Ninety Million only (90,000,000 /=-) VAT Inclusive** "hereinafter called contract price".

WHEREAS the project shall be complete within **Two months (2)** from the date in which the Contract was signed.

The Employer and the Contractors agrees as follows:-

1. In this agreement words and expressions shall have the same meanings as respectively assigned to them in the Contract documents referred to, and they shall be deemed to form and be read and construed as part of this agreement.
2. This Agreement shall prevail over all other Contract documents. The following documents shall be deemed to form and be read and construed as part of this Agreement which are :-
 - (a). Form of Agreement
 - (b). Letter of acceptance
 - (c). Letter of Bid
 - (d). General Conditions
 - (e). Contract data
 - (f). Specifications
 - (g). Drawings
 - (h). Completed Bill of Quantities
 - (i) Integrity
3. In consideration of the payment to be made by the Employer to the contractor a Indicated in this agreement, the contractor hereby covenants with the Employer to Execute the works and to remedy defects therein 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 and the remedying of defects therein, the Contract Price of **Tshs Ninety Million only (90,000,000 /=-) VAT Inclusive** or such other sum as may become payable under the provisions of the Contract, at the times and in the manner prescribed by the Contract.

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

**SIGNED BY THE SAID FOR OR
ON BEHALF OF THE EMPLOYER**

Signature.....*[Signature]*
Name.....*SIONYO MYINSA*
Occupation.....*SEA*

In the presence of:-

Signature.....*[Signature]*
Name.....*EDMUND E. RUTARAIGA*
Occupation.....*CHAIRMAN HAI DC*

**CHAIRMAN
HAI DISTRICT COUNCIL**

**SIGNED BY THE SAID FOR OR
ON BEHALF OF THE CONTRACTOR**

Signature.....*[Signature]*
Name.....*JONAS H. MUSHI*
Occupation.....*MANAGING DIRECTOR*
Address.....*6506 Moshi*

In the presence of:-

Signature.....*[Signature]*
Name.....*RICHARD D. MWAKILAMBO*
Occupation.....*STRUCTURAL ENGINEER*
Address.....*P.O. BOX 6506, MOSHI*





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KILIMANJARO REGION

Tel : 077 - 2974369
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Email: ded@haidc.go.tz,

Executive Director's Office,
P. O. Box, 27,
HAI.

Ref. No. LGA/047/2021 - 2022/HQ/W/07/LOT 2.

Date: 27/ 12/2021.

:
M/S THE REFERENCE POINT LTD,
P.O BOX 6506,

Moshi.

9
REF: CONSTRUCTION OF TTREE IN ONE SEMIDETACHED STAFF HOUSE
RURAL TYPE AT CHEKIMAJI HEALTH CENTRE.

SUB: LETTER OF ACCEPTANCE.

This is made to your submitted bid for the above mentioned contract.

This is to noti+fy you that the Tender Board meeting held on **24/12/2021** has accepted your Tender proposed for **construction of Three in one Semidetached Staff House Rural Type at Chekimaji health Centre** as it will be specified by (The District Engineer) for the contract price of Tanzania Shillings **ninety million only (90,000,000/=) VAT Inclusive.**

You will be required to execute and fully complete the whole of the works as described in details in the tender document in the period of two months (60 days).

Pursuant to clause 43 of the Instruction to Tenderers, we confirm that National Construction Council (NCC) to be the adjudicator.

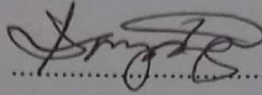
Your dully authorized representative with a valid power of attorney will be invited for signing the contract agreement with Hai District Council after the contract has been vetted.

The project manager responsible for supervising and execution of the work and administering the contract on behalf of Hai District Council is District Engineer - Works Department.

The date for contract signing will be communicated to you in due course.

Please acknowledge the receipt of this letter by signing and returning the attached duplicate copy.

Sincere yours,



Dionis M. Myinga.

**DISTRICT EXECUTIVE DIRECTOR
HAI**

**DISTRICT EXECUTIVE DIRECTOR
HAI**

Attachment: Form of Contractor

Received by: JONAS H. MASHU (Name)

Stushin (Signature)

27/12/2021 (Date)

..... (Contractor's stamp)



QUOTATION SUBMISSION FORM

Date: 11, December, 2021

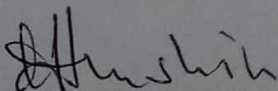
To:
HAI DISTRICT COUNCIL,
P.O BOX 27, HAI.

We offer to execute the **Proposed Construction of Three in One Semidetached Staff House Rural type at Chekimaji Health Centre with Quotation NO. LGA/047/2021-1022/HQ/W/07/LOT2** in accordance with the Conditions of Contract accompanying this tender for the Contract Price of **198,604,148.00**. (One hundred Ninety eight million Six Hundred four thousands One hundred Forty eight and zero cents only, VAT inclusive) in Tanzanian Shillings.

We also offer to complete the said works within a period of 60 days that includes mobilization period.

This quotation and your written acceptance of it shall constitute a binding contract between us. We understand that you are not bound to accept the lowest or any quotation you receive.

We hereby confirm that this quotation complies with the conditions required by the invitation for quotations.

Authorized Signature: 

Name and Title of Signatory: JONAS H. MSHU, MANAGING DIRECTOR

Name of Bidder: THE REFERENCE POINT LTD.

Address: P.O. BOX 6506, MOSHI



SECTION V: CONTRACT DATA.

NAME OF PROJECT: construction of Three in one Semidetached Staff House Rural Type at Chekimaji Health Centre.

Clause No.	QUOTATION NO. LGA/047/2021-2022/HQ/W/07/LOT 02
20.0	Contract start date: 03 January, 2022 after date of signing the contract.
20.0	Time for completion is two months (60 days).
23.1	Advance payment is 15% of contract price. Acceptable collateral shall be in the form of Bank Guarantee.
23.2	Percentage of retention money is 5% of value of certificate
23.4	Rate of interest upon unpaid amount is the prevailing commercial bank interest rate per month as published by Bank of Tanzania on the date of contract signing.
26.0	Amount of liquidated damages: 0.1%

Tender-Securing Declaration

Date: 11, December, 2021

Tender No: LGA/047/2021-2022/HQ/W/07/LOT2

To:

HAI DISTRICT COUNCIL,

P.O.BOX 27, HAI.

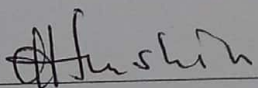
We, the undersigned, declare that:

We understand that, according to your conditions, tenders must be supported by a Tender-Securing Declaration.

We accept that we will automatically be suspended from being eligible for tendering in any contract with the Procuring Entity for the period of time determined by the Authority, if we are in breach of our obligation(s) under the tender conditions, because we:

- (a) Have withdrawn or modified our Tender during the period of tender validity specified in the Form of tender; or
- (b) Disagreement to arithmetical correction made to the tender price; or
- (c) Having been notified of the acceptance of our tender by the Procuring Entity during the period of tender validity, (i) failure to sign the contract if required by the Procuring Entity to do so or, (ii) fail or refuse to furnish the Performance security or to comply with any other condition precedent to signing the contract specified in the tendering documents.

We understand this Tender Securing Declaration shall expire if we are not successful Tenderer, upon the earlier of (i) our receipt of your notification to us of the name of the successful Tenderer, or (ii) twenty eight days after the expiration of our Tender.

Signed: 

In the capacity of MANAGING DIRECTOR

Name: JONAS H. MSHU

Duly authorized to sign the Tender for and on behalf of
THE REFERENCE POINT LTD.

Dated on 13 day of DECEMBER, 2021

Corporate Seal.





JAMHURI YA MUUNGANO WA TANZANIA
OFISI YA RAIS

TAWALA LA MIKOA NA SERIKALI ZA MITAA
HALMASHAURI YA WILAYA YA HAI



MKOA WA KILIMANJARO

Simu : 27-29 74369

Fax : 27- 29 74368

Email: ded@haide.go.tz

Ofisi ya Mkurugenzi Mtendaji Wilaya,

S.L.P. 27,

HAI.

Tarehe : 24/12/2021.

**KIKAO CHA MAJADILIANO YA BEI YA UMALIZIAJI WA JENGO LA
OPD, UJENZI WA JENGO LA MAABARA, JENGO LA RCH, UJENZI WA
MASHIMO YA MAJI TAKA (SEPTIC TANK AND SOAWAYPIT) NA
UJENZI WA JENGO LA WATUMISHI "THREE IN ONE" KATIKA
KITUO CHA AFYA CHEKI - MAJI.**

TAREHE 24/12/2021

WALIOHUDHURIA

- | | | |
|-----------------------|---|---------------------|
| 1. STANLEY MUSHIE | - | AFYA |
| 2. DERICK H. URASSA | - | PMU |
| 3. ANODL MATANDIKO | - | ENGINEER |
| 4. JOHN BOGOHE | - | MHASIBU |
| 5. ALLY A. KATANI | - | PMU |
| 6. RICHARD MWAKILAMBO | - | ENGINEER MKANDARASI |
| 7. JONAS MSIFII | - | MD TRP |
| 8. SIMON MALLYA | - | ENGINEER TRP LTD |

AJENDA

**I. KUJADILI BEI YA KUKAMILISHA JENGO LA MAPOKEZI
"OPD" NA UJENZI WA MAABARA, RCH NA MASHIMO YA
MAJI TAKA.**

Kujadili bei ya kukamilisha ujenzi wa jengo la Mapokezi la wagonjwa wa nje "OPD" ambalo tayari lilikwisha jengwa hatua tajwa hapo chini "kulingana na bei ya Mhandisi wa Wilaya na bei ya Mkandarasi aliyechaguliwa ambaye ni Reference Point Lt of Moshi, na ujenzi wa jengo la Maabara, jengo la RCH, na ujenzi wa mashimo ya maji taka (Septic tank soaway PIT) shughuli zote tajwa hapo juu zinataraajiwa kugharimu jumla ya shilingi Tsh. 205,000,000 + 18% VAT = TSH 250,000,000.00

Lakini Mkandarasi kwenye eneo hili alikuja na makadirio ya Tshs. 376,884,000/=

Engineer alimsomea mkandarasi hatua ya ujenzi wa jengo la OPD ilivyofikia kama ilivyo hapo chini:-

- Sub-structure imefanyika.
- Supe structure imefanyika.
- Roof Structure & Covering imefanyika.

Engineer aliwasomea kazi hizo zilizofanyika na Wazabuni waliomba udhuru pembeni kidogo ili kujadiliana na kukubaliana.

Waliporudi walirudi na majibu kwamba:-

- Supervision ijadiliwe – itolewe.
- VAT 18% ijadiliwe – itolewe.

Tukaomba watoke nje tujadili vipengele iwapo kama moja ya kuvitoa: kwa pamoja tukaona ni ngumu kutoa vipengele hivyo na waliporudi msimamo wa kamati ukabakia pale pale wa Tsh. 205,000,000/= + 45,000,000 (VAT) Jumla kwa eneo hilo iwe Tsh. 250,000,000/=

Kwenye hili waliomba tena kutoka nje kufanya tathmini.

Baada ya hapo, tuliwaita na wakaja na majibu ya shilingi 250,000,000 ambapo kamati ya Negotiation waliafiki bei hiyo ifanyike, hii ikiwa na gharama ya 18% VAT Inclusive.

II. UJENZI WA JENGO LA WATUMISHI LA “THREE IN ONE”

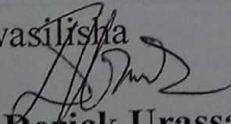
Kamati pia ilifanya majadiliano na mkandarasi katika ujenzi wa nyumba ya watumishi ya Three in One ambayo ina uwezo wa kuchukua familia tatu.

Makadirio yaliyowekwa na kupitishwa na Wizara ni shilingi 90,000,000.00

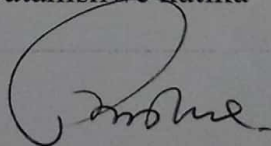
Lakini mkandarasi alikuja na makadirio yake ya shilingi Tsh. 198,604,148.00. Hivyo timu ya majadiliano ilijitahidi kushawishi hadi ikafika muafaka wa mkandarasi kukubali kufanya kazi hiyo kwa kiasi hicho cha shilingi 90,000,000 ambacho ni sawa na shilingi (73,800.00 + 18% VAT) ambayo ni 73,800,000 + 16,200,000.00).

- Tumekubaliana kuhusu JenGO la “Three in One” lifanyike kwa bei elekezi ya shilingi 90,000,000.00 na VAT Inclusive.
- Mkataba uandaliwe, ambapo Negotiation iambatanishwe katika mkataba wa majengo yote.

Nawasilisha


Derick Urassa

Katibu wa kikao


Stanley Mushie

Mwenyekiti wa kikao

Jonas Mshiu (MD)

Mmiliki wa Kampuni – The Reference Point Ltd.

STANDARD POWER OF ATTORNEY

TO ALL IT MAY CONCERN

THAT BY THIS POWER OF ATTORNEY given on the 11th date of December, 2021, WE the undersigned **The Reference Point Limited** of P.O.BOX 6506, Moshi, by virtue of authority conferred to us by the Board Resolution dated 10th December 2021, do hereby ordain nominate and appoint Mr. JONAS H. MSHIU of P.O.BOX 6506, Moshi to be our true lawful Attorney and Agent, with full power and authority, for us and in our names, and for our accounts and benefits, to do any, or all of the following acts, in the execution of this tender No. LGA/047/2021-2022/HQ/W/07/LOT1, that is to say;

To act for the company and do any other thing or things incidental for this tender of **Proposed Construction of Three in One Semidetached Staff House Rural type at Chekimaji Health Centre with Quotation NO. LGA/047/2021-2022/HQ/W/07/LOT2** for the **HAI DISTRICT COUNCIL**,

AND provided always that this Power of Attorney shall not revoke or in any manner affect any future power of attorney given to any other person or persons for such other power or powers shall remain and be of the same force and affect as if this deed has not been executed.

AND we hereby undertake to ratify everything, which our Attorney or any substitute or substitutes or agent or agents appointed by him under this power on his behalf herein before contained shall do or purport to do in virtue of this Power of Attorney.

SEALED with the common seal of the said **THE REFERENCE POINT LIMITED** and delivered in the presence of us this 13th Day of December 2021.

IN WITNESS whereof we have signed this deed on this 13th Day of December 2021 at Moshi for and on behalf of **The Reference Point Limited**

SEALED and DELIVERED by the
Common Seal of The Reference Point Limited.
This 13th Day of December, 2021.

}

.....
DONOR

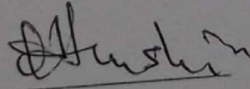
BEFORE ME ERICK GABRIEL
P.O. ... 2021
COMMISSIONER FOR OATHS
Advocate of the High Court,
Notary Public and
Commissioner for Oaths

**ANTI-BRIBERY PLEDGE/ CODE OF CONDUCT AND COMPLIANCE
PROGRAMME (MEMORANDUM)**

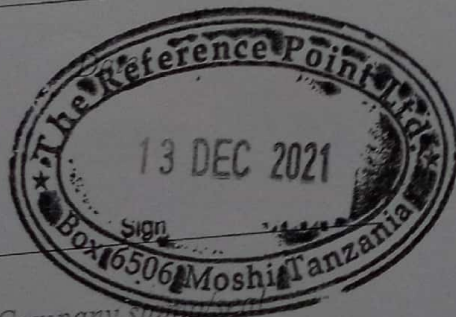
This company M/S **The Reference Point Limited** places importance on competitive tenderintaking place on a basis that is free, fair, competitive and not open to abuse. It is pleased to confirm that it will not offer or facilitate, directly or indirectly, any improper inducement or reward to any public officer their relations or business associates, in connection with its bid, or in the subsequent performance of the contract if it is successful.

This company has an Anti-Bribery Policy/Code of Conduct and a Compliance Program which includes all reasonable steps necessary to assure that the No-bribery commitment given in this statement will be complied with by its managers and employees, as well as by all third parties working with this company on the public sector projects, or contract including agents, consultants, consortium partners, sub- contractors and suppliers. Copies of our Anti-Bribery Policy/Code of Conduct and Compliance Program are attached.

JONAS H. MSHU
(Name of the Authorized Person)


(Signature)

13/12/2021



Company stamp