

## **Agreement**

### **Procurement Reference No: 001/4109/12/22/800**

THIS AGREEMENT made the 25<sup>th</sup> day of January, 2023 between **Kasungu District Council of Private Bag 1, Kasungu** (hereinafter called "the Procuring Entity"), of the one part, and of **BIM Construction of P.O. Box 1070, Blantyre** (hereinafter called "the Contractor"), of the other part:

WHEREAS the Procuring Entity is desirous that the Contractor **Construction of Kachitsa School Block under DDF project** (hereinafter called "the Works") and the Procuring Entity has accepted the Bid by the Contractor for the execution and completion of such Works and the remedying of any defects therein for the sum of **Fifty Three Million Seven Hundred Fifty One Thousand Five Hundred Twenty Two Kwacha and Nineteen Tambala Only (MK53,751,522.19)** (hereinafter called the Contract Price).

#### **NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:**

1. In this Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Contract referred to.
2. The following documents shall be deemed to form and be read and construed as part of this Agreement, viz:
  - (a) the General Conditions of Contract;
  - (b) the Special Conditions of Contract;
  - (c) the Schedule of Requirements;
  - (d) the Bid Submission Form and the priced Activity Schedule or priced Bill of Quantities submitted by the Contractor;
  - (e) the Procuring Entity's Local Purchase Order and contractors acknowledgement of the order;
  - (f) Negotiation minutes
3. In consideration of the payments to be made by the Procuring Entity to the Contractor as hereinafter mentioned, the Contractor hereby covenants with the Procuring Entity to execute and complete the Works and remedy any defects therein in conformity in all respects with the provisions of the Contract.
4. The Procuring Entity 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 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.

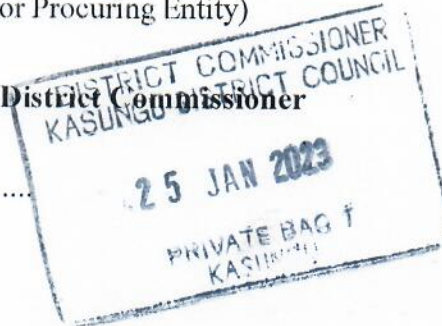
IN WITNESS whereof the parties thereto have caused this Agreement to be executed in accordance with the law specified in the Special Conditions of Contract on the day, month and year indicated above.

Signed by:

(for Procuring Entity)

Name: **James J. Kanyangalazi** in capacity of **District Commissioner**

Signature : .....



Date : **25<sup>th</sup> January, 2023.**

Witnessed by: **Internal Procurement and Disposal Committee Chairperson**

Name: **Annie Zimba** Signature: .....



Date : **25<sup>th</sup> January, 2023..**

Signed by:

(for the Contractor)

Name: **Isaac J. Mphahle** in capacity of **MANAGING DIRECTOR**

Signature : .....



Date : **25<sup>th</sup> January, 2023.**

Witnessed by:

Name: .....

**PHILIP MACHIMO**

Signature: .....



Date : **25<sup>th</sup> January, 2023.**