

Agreement Contract Agreement

Section 9. Contract Forms

Agreement

Procurement Reference No: **MW-MDC 318973-CW-RFQ**

THIS AGREEMENT was made on the **17th JANUARY, 2023**, between Mwanza District Council of P/Bag 3, Mwanza (hereinafter called "the Employer"), of the one part, and of FIDELIS BUILDING CONTRACTOR, P.O BOX 330, ZOMBA (hereinafter called "the Contractor"), of the other part:

WHEREAS the Employer is desirous that the Contractor should Construct Mwanza Boma Shops (hereinafter called "the works ") and the Employer has accepted the Bid by the Contractor to construct the shops and the remedying of any defects therein for the sum of **MK 60,699,999.76** (Sixty Million Six Hundred Ninety-Nine Thousand Nine Hundred Ninety-Nine Kwacha And Seventy-Six Tambala)

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
 - (e) the Employer's Notification to the Supplier of award of the contract; and
 - (f) Such Circular Letters and Minutes of Meeting as may have been issued to Tenderers by the Contracting Authority during the Tender period
 - (g) Special Conditions of Contract
 - (h) Standard Specification
 - (i) Particular Specification
 - (h) Environmental and Social management Plans(ESMPs)

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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 supply and deliver and remedy any defects therein in conformity in all respects with the provisions of the Contract.

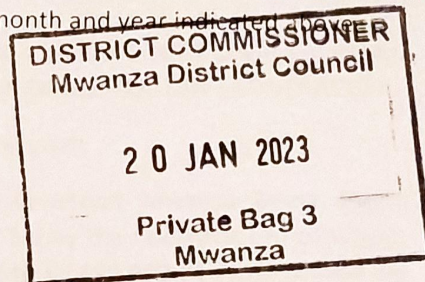
4. The Employer hereby covenants to pay the Contractor in consideration of the supply and delivery of works and the remedying of defects therein the Contract Price or such other sum as may become payable under the provisions of the Contract at the times and in the manner prescribed by the Contract.

IN WITNESS where of the parties there to 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 below.

Signed by: [Signature] (For the Employer)

Name: Mrs Martha Sineta

Position: District Commissioner



Witnessed by: [Signature] (Signature)

Name: Victoria Wane

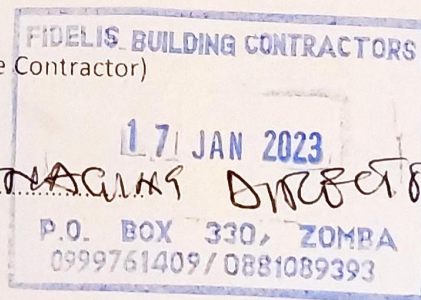
Position: Director of Administration

Address Mwanza District Council, P/Bag 3, Mwanza.

Signed by: [Signature] (for the Contractor)

Name: JOSEPH MADALIA

Position: MANAGING DIRECTOR



Witnessed by: [Signature] (Signature)

Name: SUSAN CHIRWA Address: P.O BOX 330 ZOMBA