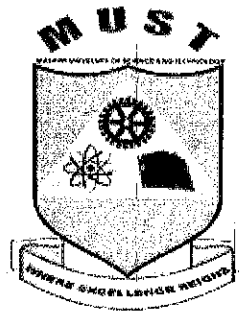


Dated.....2021



CONTRACT AGREEMENT

Between

**MALAWI UNIVERSITY OF SCIENCE AND TECHNOLOGY
(MUST)**

AND

DBM CONSTRUCTION

FOR

**CONTRACT FOR CONSTRUCTION OF SUB-STRUCTURE SLAB
FOR MINI INDUSTRIAL PARK AND ASSOCIATED EXTERAL
WORKS AT MUST**

CONTRACT NUMBER: NCB- MUST - W - 2020/21 - 130

CONTRACT AGREEMENT

Agreement

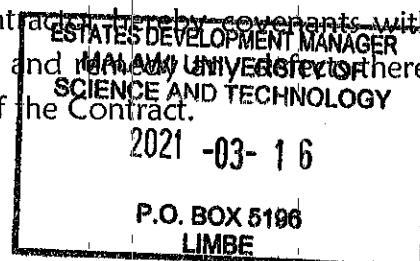
Contract Number : NBC-MUST-W-2019/20-130

THIS AGREEMENT made the ... day of,,2021., between **Malawi University of Science and Technology of Near Ndata Farm, Thyolo, Post Office Box, 5196, Limbe (hereinafter called "the Employer")**, of the one part, and **DBM Construction of Ecoline Compound, 6 Miles – Off Bunda Road, post office box 33364, Capital city Lilongwe 3 (hereinafter called "the Contractor")**, of the other part:

WHEREAS the Employer is desirous that the Contractor execute, **Construction of a Sub- Structure Slab for Mini Industrial Park and Its associated external works at Malawi University of Science and Technology (hereinafter called "the Works")** and the Employer 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, **Nine Hundred thirty Eight Million, Six, Hundred and One Thousand and Fifty seven, Kwacha and One Tambala. (MK938,601,057.01)** (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:
 - (1) Agreement,
 - (2) Notice of Acceptance,
 - (3) Contractor's Bid,
 - 4) Special Conditions of Contract,
 - (5) General Conditions of Contract,
 - (6) Specifications,
 - (7) Drawings,
 - (8) Bill of Quantities or Activity Schedule, and
 - (9) any other document listed in the Special Conditions of Contract as forming part of the Contract.
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 execute and complete the Works 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 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.
5. The Contract Price or such other sum as may be payable shall be paid in Malawi Kwacha.

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: B Malata (for the MUST)

Name: Prof. Address Mauakowa Malata

Position: Vice Chancellor

Witnessed by:

Signature: Thompson

Name: MACDONALD HUDGE

Address: MUST, PO BOX 5196, LIMBE

Position DIRECTOR OF FINANCE AND INVESTMENT
(For MUST)

Signed by: [Signature] (for Contractor)

Name: Mr. Billy Milimbo.

Position: Managing Director

Witnessed by:

Signature: [Signature]

Name: JOSSEW SINZANO

Address: Box 3364

Position LOGISTICS MANAGER
(For the Contractor)

CONTRACTOR'S BID SUBMISSION SHEET

ESTATES DEVELOPMENT MANAGER
MALAWI UNIVERSITY OF
SCIENCE AND TECHNOLOGY

2021 -03- 16

P.O. BOX 5196
LIMBE

DBM CONSTRUCTION COMPANY

Ecoline Compound

6 Miles, -Off Bunda Road

Box 3364,

Lilongwe, Malawi.

Tel: +265 888 470 157, +265 997 813 581, 0999 043 443

dbmconstruction2000@gmail.com /info@dbmconstruction.mw



Bid Submission Form

Date: **16th November, 2020**

Procurement Reference No: **RES-MUST-W-2020/21 - 130**

To: **The IPDC Chairperson,**

Malawi University of Science and Technology,

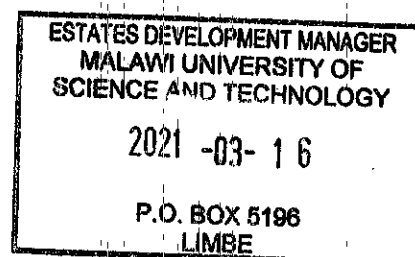
P.O Box 5196,

Limbe,

Malawi.

We, the undersigned, declare that:

- (a) We have examined and have no reservations to the Bidding Documents, including Addenda No.: N/A
- (b) We offer to execute the **Construction of Sub-Structure Slab for Mini Industrial Park And Associated External Works at MUST(RES-MUST-W-2020/21 - 130)** in conformity with the Bidding Documents for the Contract Price of **Nine Hundred Thirty Five Million, Six Hundred Twenty Three Thousand, Three Hundred Seventy Four Malawi Kwacha Ninety Four Tambala; (MWK935,623,374.94)**, for a contract period of **42 weeks**.
- (c) The advance payment required is **One Hundred Fifty Nine Million, Two Hundred Fifty Five Thousand, Forty Two Malawi Kwacha; Fifty Four Tambala (MWK159,255,042.54) Excluding Contingency sum and Value Added Tax. (V.A.T)**
- (d) Our bid shall be valid for a period of **120 calendar days** from the date fixed for the bid submission deadline, in accordance with ITB Sub-Clause 20.1, and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- (e) We have no conflict of interest in accordance with ITB Sub-Clause 3.2;
- (f) Our firm, its affiliates or subsidiaries—including any subcontractors or suppliers for any part of the contract—has not been debarred from participation in public procurement by the Government of the Republic of Malawi, in accordance with ITB Sub-Clause 3.4;
- (g) Our firm, its affiliates or subsidiaries, including subcontractors or suppliers for any part of the contract are not under investigation by the Anti Corruption Bureau or any other law enforcement body in Malawi relating to participation in any public procurement tender exercise or execution of any public procurement contract relating to the purchase of goods, works and services by any Procuring Entity.



DBM CONSTRUCTION COMPANY

Ecoline Compound

6 Miles, -Off Bunda Road

Box 3364,

Lilongwe, Malawi.

Tel: +265 888 470 157, +265 997 813 581, 0999 043 443

dbmconstruction2000@gmail.com /info@dbmconstruction.mw



- (h) The names and physical addresses of the Directors of our firm are provided in the table below or we enclose a copy of our latest Audited Accounts (issued within the last twenty-four (24) months):

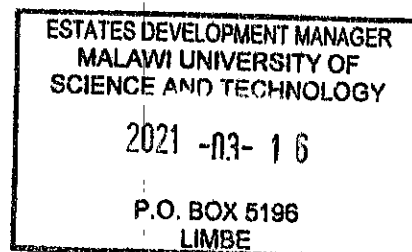
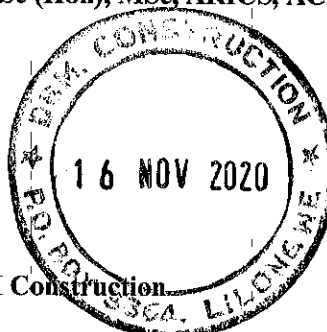
Name	Address
Mr Billy Milimbo	P.O Box 3364, Lilongwe

- (i) We understand that this bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal contract is prepared and executed.
- (j) We understand that you are not bound to accept the lowest evaluated bid or any other bid that you may receive.
- (k) We accept the appointment of **Mr J Chimangafisi, BSc (Hon), MSc, ARICS, ACI Arb, MSIM, P.O Box 30552, Lilongwe 3.** as the Adjudicator.

Signed:
In the capacity of **Managing Director**

Name: **Mr. Billy Milimbo**

Duly authorised to sign the bid for and on behalf of: **DBM Construction**
Dated on **16th** day of **November, 2020**



2.0 BID DECLARATION

ESTATES DEVELOPMENT MANAGER
MALAWI UNIVERSITY OF
SCIENCE AND TECHNOLOGY

2021 -03- 16

P.O. BOX 5196
LIMBE

DBM CONSTRUCTION COMPANY
Ecoline Compound
6 Miles, -Off Bunda Road
Box 3364,
Lilongwe, Malawi.
Tel: +265 888 470 157, +265 997 813 581, 0999 043 443
dbmconstruction2000@gmail.com /info@dbmconstruction.mw



Bid Securing Declaration

Date: 16th November, 2020

Procurement Reference No: RES-MUST-W-2020/21 – 130

Alternative No: N/A

To: The IPDC Chairperson,
Malawi University of Science and Technology,
P.O Box 5196,
Limbe,
Malawi.

ESTATES DEVELOPMENT MANAGER
MALAWI UNIVERSITY OF
SCIENCE AND TECHNOLOGY

2021 -03- 16

P.O. BOX 5196
LIMBE

We, the undersigned, declare that:

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

We accept that we will automatically be suspended from being eligible for bidding in any contract with the Client for the period of time of **two (2) years** starting on **client's date**, if we are in breach of our obligation(s) under the bid conditions, because we:

- a) Have withdrawn our Bid during the period of bid validity specified in the Bid Data Sheet; or
- b) Having been notified of the acceptance of our bid by the Client during the period of bid validity, (i) fail or refuse to execute the Contract; or (ii) fail or refuse to furnish the performance security, if required, in accordance with the ITB.

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

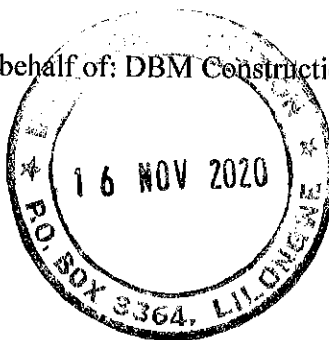
Signed:  in the capacity of **Managing Director**

Name: **Mr. Billy Milimbo**

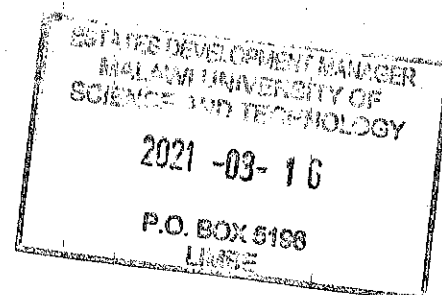
Duly authorised to sign the bid for and on behalf of: **DBM Construction**

Dated this **16th** day of **November, 2020**

Corporate Seal (where appropriate)



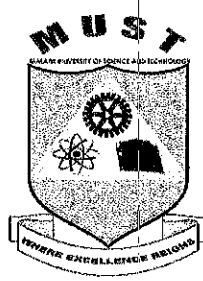
NOTIFICATION OF AWARD



TELEPHONE: 01 478 000

FAX: 01 478 000

Date: 08- 03 - 2021



Malawi University of Science and
Technology
P.O. BOX 5196
Limbe

Our Ref: 1/2/13/6

The Managing Director
DBM Construction
P.O. Box 3364,
Capital City
Lilongwe 3

Dear Sir,

NOTIFICATION OF AWARD OF CONTRACT FOR CONSTRUCTION OF A SUB-STRUCTURE SLAB, CONTRACT NUMBER – NCB-MUST-W-2020/21-130.

Following the submission of your bid for construction of a Sub-Structure Slab for the Mini-Industrial park at the Malawi University of Science and Technology (MUST), I am pleased to inform you that your bid was accepted at a contract price of MK938,601,057.01.

In this regard, we would like to go into a contract kick off meeting with you leading to the final signing of the contract, on Wednesday, **10th March, 2021 at 9.30am**, venue; MUST Campus. Please find attached an agenda for the same.

Meanwhile we would like to request you to confirm in writing if you are still interested to enter into contract for the proposed works captioned above.

Yours faithfully,

PROF. ADDRESS M. MALATA
VICE CHANCELLOR

ACCEPTANCE LETTER

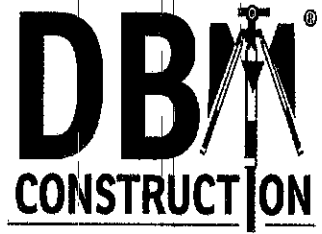
ESTATES DEVELOPMENT MANAGER
MALAWI UNIVERSITY OF
SCIENCE AND TECHNOLOGY

2021 -03- 16

P.O. BOX 5198
LILONGWE

DBM CONSTRUCTION COMPANY

Eco-line Compound
6 Miles, Off-Bunda Road
Box 3364,
Lilongwe, Malawi.
Tel: +265 888 470 157, +265 997 813 581, 0999 043 443,
dbmconstruction2000@gmail.com /info@dbmconstruction.mw,



Malawi University of Science and Technology
P O Box 5196
Limbe
MALAWI

Tuesday, 09 March 2021

Attn: Prof. Address M. Malata
Vice Chancellor

Dear Sir,

SUBJECT: ACCEPTANCE LETTER FOR THE CONSTRUCTION OF A SUB-STRUCTURE SLAB, CONTRACT NUMBER -NCB-MUST-W-2020/21-130

We write to express our gratitude for your consideration to award DBM Construction the above subject works. This letter serves to accept your offer and look forward to further contract negotiations and signing.

We look forward to doing business with you.

Signed

in the capacity of Managing Director

Name: Billy Milimbo

Duly authorized to sign the bid for and on behalf of; DBM Construction Company

Dated on 9th March, 2021.

