

Agreement

THIS AGREEMENT made the 6th day of, **February, 2023**, between The **District Commissioner of Dowa District Council** (hereinafter called "the Employer"), of the one part, and **The Managing Director of Moss and Sach Construction Joint Venture** (hereinafter called "the Contractor"), of the other part:

WHEREAS the Employer is desirous that the Contractor execute **Construction Of Umoyo Staff House** (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 **MWK43,352,309.00 (Forty-Three Million Three hundred Fifty-Two Thousand Three Hundred Nine Kwacha** ((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 Employer's Notification to the Contractor of award of contract;
 - (f) The Contractor's program for the carrying out of the Works including Architect's instruction;
 - (g) Minutes of Pre-Contract Meeting;
 - (h) Minutes of meetings and letters between the parties;
 - (i) Annex 1 to Section 7 – World Bank's Fraud and Corruption Policy;
 - (j) Annex 2 to Section 7 – World Bank's Environmental, Social, Health and Safety (ESHS) enhancements;
 - (k) The ESHS Management Strategies and Implementation Plans;
 - (l) Code of Conduct (ESHS);
 - (m) Labour Management Plan;
 - (n) Corrected Bid Submission Form and Error Declaration Document.

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.

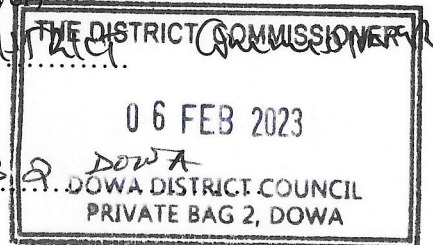
IN WITNESS whereof the parties thereto have caused this Agreement to be executed in accordance with the law specified in the Special Conditions of Contract on the day, month and year indicated above.

Signature: (for the Employer)

Name: STACEY MUMUSUMU Position: DIRECTOR

Witnessed by: OSCAR KUMWENDA

Name: OSCAR KUMWENDA Address: P/B 8 DOWA
DOWA DISTRICT COUNCIL
PRIVATE BAG 2, DOWA



Signature: (for the Contractor)

Name: FRIGATON MAZINGA Position: DIRECTOR

Witnessed by:

Name: Address:

