

# REPUBLIC OF KENYA



Contract No. SB/003/036/2023

## CONTRACT AGREEMENT

THIS AGREEMENT, [hereinafter called “the CONTRACT”] is entered into this 14<sup>th</sup> Day of December, 2023, by and between the Ministry of Lands, Public Works, Housing and Urban Development, (State Department For Public Works - Supplies Branch) of [or whose registered office is situated at], Supplies Branch- Likoni Rd. Industrial Area, P. O. Box 30743 – 00100, Nairobi [hereinafter called “the Client / Procuring entity”] of the one part and M/S ISUZU EAST AFRICA LTD, P.O. BOX 30527 – 00100 NAIROBI [hereinafter called “the Tenderer / Contractor”, on the other part:

WHEREAS the Procuring entity invited tenders for certain goods, TENDER NO. SDPW/SB/036/2023-2025 FOR SUPPLY AND DELIVERY OF VARIOUS TRUCKS AND MICROBUS to Government Departments and Institutions as and when required for the period of Two (2) Years effective from 14<sup>th</sup> December, 2023 and has accepted a tender by the tenderer for the supply of those goods in the sum of: [hereinafter called “the Contract Price”] (Bid) as follows:

### VARIOUS TRUCKS AWARD

M/S ISUZU EAST AFRICA LTD				
ITEM NO.	ITEM DESCRIPTION Unit of issue: No. QTY: AS and When Required	MAKE MODEL COUNTRY OF ORIGIN	DUTY FREE UNIT PRICE (KShs.)	DUTY PAID UNIT PRICE (KShs.)
1.	TRUCK, 4x2, 3 - 4 TON, LOW SIDED	ISUZU NMR 85H KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 4,078,000.00	OPTION 1 4,737,000.00
		ISUZU NQR 81K KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 2 4,778,000.00	OPTION 2 5,561,000.00

M/S ISUZU EAST AFRICA LTD				
ITEM NO.	ITEM DESCRIPTION Unit of issue: No. QTY: AS and When Required	MAKE MODEL COUNTRY OF ORIGIN	DUTY FREE UNIT PRICE (KShs.)	DUTY PAID UNIT PRICE (KShs.)
2.	MEDIUM TRUCK, 4x2, 7 - 8 TON, HIGH SIDED SUPERSTRUCTURE WITH CANVAS	ISUZU FRR 90N KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 6,136,000.00	OPTION 1 7,112,000.00
		ISUZU FVR 90P KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 2 8,115,000.00	OPTION 2 9,449,000.00
3.	MEDIUM TRUCK, 4x2, 7-8 TON, LOW SIDED	ISUZU FRR 90N KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 5,957,000.00	OPTION 1 6,933,000.00
		ISUZU FVR 90P KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 2 7,963,000.00	OPTION 2 9,297,000.00
4.	LARGE TRUCK, 4x2, 9 - 10 TON, LOW SIDED	ISUZU FVR 34P KITS FROM JAPAN, ASSEMBLED IN KENYA	9,292,000.00	10,845,000.00
5.	MEDIUM TRUCK, 4x4, 7-8 TON, LOW SIDED FITTED WITH SUPERSTRUCTURE AND CANVAS	ISUZU FTS 34K KITS FROM JAPAN, ASSEMBLED IN KENYA	11,990,000.00	13,921,000.00
6.	MEDIUM TRUCK, 4x4, 7 - 8 TON, LOW SIDED	ISUZU FTS 34K KITS FROM JAPAN, ASSEMBLED IN KENYA	11,942,000.00	13,873,000.00
7.	TRUCK, 4x2, 3 - 4 TON, HIGH SIDED BODY WITH CANVAS	ISUZU NMR 85H KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 4,211,000.00	OPTION 1 4,870,000.00
		ISUZU NQR 81K KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 2 4,952,000.00	OPTION 2 5,735,000.00
8.	LARGE TRUCK, 4x2, 9 - 10TON, HIGH SIDED BODY, SUPERSTRUCTURE WITH CANVAS	ISUZU FVR 34P KITS FROM JAPAN, ASSEMBLED IN KENYA	9,393,000.00	10,946,000.00
9.	MEDIUM TRUCK, 4x4, 7-8 TON, HIGH SIDED SUPERSTRUCTURE WITH CANVAS	ISUZU FTS 34L KITS FROM JAPAN, ASSEMBLED IN KENYA	11,990,000.00	13,921,000.00
10.	TRUCK, 4x2, 3 - 5 TON, HIGH SIDED, FULLY ENCLOSED BODY	ISUZU NMR 85H KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 4,180,000.00	OPTION 1 4,839,000.00
		ISUZU NQR 81K KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 2 4,943,000.00	OPTION 2 5,726,000.00

M/S ISUZU EAST AFRICA LTD				
ITEM NO.	ITEM DESCRIPTION Unit of issue: No. QTY: AS and When Required	MAKE MODEL COUNTRY OF ORIGIN	DUTY FREE UNIT PRICE (KShs.)	DUTY PAID UNIT PRICE (KShs.)
13.	LARGE TRUCK, 4x2, 9 - 10 TON, CAB CHASSIS	ISUZU FVR 34P KITS FROM JAPAN, ASSEMBLED IN KENYA	9,070,000.00	10,623,000.00
14.	LARGE TIPPER (DUMP TRUCK), 6X4, 14 TON CAB-CHASSIS	ISUZU FVZ 34N KITS FROM JAPAN, ASSEMBLED IN KENYA	11,223,000.00	13,154,000.00

### VARIOUS MICROBUS AWARDS

M/S ISUZU EAST AFRICA LTD				
ITEM NO.	ITEM DESCRIPTION Unit of issue: No. QTY: AS and When Required	MAKE MODEL COUNTRY OF ORIGIN	DUTY FREE UNIT PRICE (KShs.)	DUTY PAID UNIT PRICE (KShs.)
1.	MINIBUS, 30-35 PASSENGERS, DIESEL	ISUZU NQR 81M COWL KITS FROM JAPAN, ASSEMBLED IN KENYA	6,793,000.00	7,657,000.00
3.	MINIBUS, 25 -29 PASSENGERS, DIESEL.	ISUZU NMR 85H KITS FROM JAPAN, ASSEMBLED IN KENYA	5,628,000.00	6,343,000.00
4.	45-52 SEATER SEMI-LUXURY BUS	ISUZU FTR 90P	10,212,000.00	11,482,000.00
5.	SEMI-LUXURY LARGE BUS, 58-62 PASSENGERS	ISUZU FVR 34S KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 14,263,000.00	OPTION 1 16,051,000.00
		ISUZU FVR 34S 6X2 KITS FROM JAPAN, ASSEMBLED IN KENYA	OPTION 2 15,964,000.00	OPTION 2 18,024,000.00
9.	35-45 SEATER, LUXURY BUS	ISUZU FTR 90P KITS FROM JAPAN, ASSEMBLED IN KENYA	17,163,000.00	18,951,000
10.	SEMI-LUXURY LARGE BUS, 64-67 PASSENGERS	ISUZU FVR 34S KITS FROM JAPAN, ASSEMBLED IN KENYA	18,864,000.00	20,924,000

### 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 Conditions of Contract referred to.

2. The following documents shall be deemed to form and be read and construed as part of this Agreement and shall be appended, viz: -
  - (a) the Confidential Business Questionnaire;
  - (b) the Technical Specification (where applicable);
  - (c) Special Conditions of Contract
  - (d) the Procuring entity's Letter of Notification of Tender Award;
  - (e) Letter of Acceptance by the Tenderer / Contractor; and
3. In consideration of the payments to be made by the Procuring entity as described in (c) above to the tenderer as hereinafter mentioned, the tenderer hereby covenants with the Procuring entity to provide the goods and to remedy defects therein in conformity in all respects with the provisions of the Contract.
4. The Procuring entity as prescribed in (c) hereby covenants to pay the tenderer in consideration of the provision of the goods 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 hereto have caused this Agreement to be executed in accordance with their respective laws the day and year first above written

Signed, sealed, and delivered by: -

Full name: Mr. Joel P. L. Arumonyang

Full Name: KIPKOSGEI SHOLLEI

for the Client [Procuring Entity]

for the Tenderer [Client]

Title: - **Principal Secretary**

Title: - **Company Director**

Signature: [Signature]

ID/No. 11866645

Date: 14/12/2023.

Signature [Signature]

Date 14/12/23.

In the presence of (witnesses): -

Full Name: -**Kenneth Mwangi**

Full Name: JUSTUS WAGYU MATHGGE

Title: - **Head/Supply Chain Mgt. Services**

ID/No.: 24394008

Signature: [Signature]

Signature: [Signature]

Date: 14/12/2023

Date: 14/12/2023

