

## REPUBLIC OF KENYA



Contract No. SB/9/0079/19-21

## CONTRACT AGREEMENT

THIS AGREEMENT, [hereinafter called "the CONTRACT"] is entered into this <sup>2nd</sup> Day of MAY, 2019, by and between the Ministry of Transport, Infrastructure, Public Works, Housing and Urban Development, (State Department For Public Works - Supplies Branch) of [or whose registered office is situated at], Works Building, 1<sup>st</sup> Ngong' Avenue, P. O. Box 30743 – 00100, Nairobi [hereinafter called "the Client / Procuring entity"] of the one part and M/S ISUZU EAST AFRICA LIMITED, P.O. BOX 30527-00100, NAIROBI hereinafter called "the Tenderer / Contractor", on the other part:

WHEREAS the Procuring entity invited tenders for certain goods, SUPPLY OF MICROBUS, DIESEL - (Tender No. SB/9/2019-2021), to Government Departments and Institutions as and when required for the period of Two (2) Years effective from the date of this AGREEMENT 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:

S/NO.	ITEM	MAKE/MODEL/ COUNTRY OF ORIGIN	BIDDER PRICE (ALL DUTIES & TAXES PAID) KSH.	BIDDER PRICE (DUTY FREE) KSH.
1.	MTD – 904-040-16 MINIBUS 30-35 PASSENGERS DIESEL	ISUZU NQR81L (JAPAN)	5,699,750.00	5,070,000.00
		ISUZU NQR66R (JAPAN)	5,179,750.00	4,447,000.00
2.	MTD-935-040-18 MINIBUS, 25-29 PASSENGERS, DIESEL	ISUZU NQR81K 29 SEATER (JAPAN)	5,357,750.00	4,996,000.00
		ISUZU NPR66P 29 SEATER - JAPAN	4,951,750.00	4,253,000.00
		ISUZU NMR 85U 26 SEATER	4,287,500.00	3,798,000.00
		ISUZU NKR 66L 26 SEATER	4,014,500.00	3,415,000.00

S/NO.	ITEM	MAKE/MODEL/ COUNTRY OF ORIGIN	BIDDER PRICE (ALL DUTIES & TAXES PAID) KSH.	BIDDER PRICE (DUTY FREE) KSH.
3.	MTD-947-014-18, BUS, DIESEL, 46-54 PASSENGERS	ISUZU FRR90N JAPAN	7,452,250.00	6,647,000.00
		ISUZU FRR33LR JAPAN	7,162,250.00	6,115,000.00
4.	MTD 1087 - 014 - 18, SEMI LUXURY LARGE BUS 62 PASSENGERS	ISUZU FVR34P JAPAN	11,661,500.00	10,215,000.00
		ISUZU MV123TC JAPAN	12,002,500.00	10,687,034.00

**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 Form of Tender;
  - (b) the Schedule of Requirements with Prices;
  - (c) the Confidential Business Questionnaire;
  - (d) the Technical Specifications;
  - (e) the General Conditions of Contract;
  - (f) the Special Conditions of Contract;
  - (g) the Procuring entity's Letter of Notification of Tender Award;
  - (h) Letter of Acceptance by the Tenderer / Contractor;
3. In consideration of the payments to be made by the Procuring entity 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 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: Prof. Arch. Paul M. Maringa  
(PhD), CBS, Corp. Arch, MAAK, MKIP

for the Client [Procuring Entity]

Title: - **Principal Secretary**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Contract SB/9/2019-2021  
**PRINCIPAL SECRETARY**  
STATE DEPARTMENT OF PUBLIC WORKS  
P. O. Box 30745 - 00100  
NAIROBI

Full Name: Kipkosgei Sholly

for the Tenderer [Client]

Title: - **Director / Attorney**

ID/No. 11866645

Signature: \_\_\_\_\_

Date 26/4/2019.

In the presence of (witnesses): -

Full Name: - Evans K. Keronche

Title: - **Officer In-Charge  
Supplies Branch**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name: MUHAMMAD FAYAZ KHAN

Title: GOVERNMENT SALES EXECUTIVE

ID/No.: 25277900

Signature: \_\_\_\_\_

Date: 26/4/2019.

ISUZU EAST AFRICA LTD.  
P. O. Box 30745 - 00100,  
NAIROBI  
KENYA