

REPUBLIC OF KENYA



Contract No. SB/014/010/2020-202

CONTRACT AGREEMENT

THIS AGREEMENT, [hereinafter called “the CONTRACT”] is entered into this 10th Day of March, 2021, by and between the Ministry of Transport, Infrastructure, 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 TOYOTA KENYA LTD. P.O. BOX 3391-00506.NAIROBI.[hereinafter called “the Tenderer / Contractor”, on the other part:

WHEREAS the Procuring entity invited tenders for certain goods, TENDER NO. SDPW/SB/014/2020-2021 FOR SUPPLY AND DELIVERY OF PICKUPS (PETROL AND DIESEL PROPELLED) to Government Departments and Institutions as and when required for the period of Two (2) Years effective from 11th May,2021 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:

Item Description	Make/model/Country of origin	Unit price (Duty free) Ksh	Unit price (Duty Paid) Ksh
MTD-944-045-20. DOUBLE CAB, 4x4, LWB. 2000 - 2600 cc DIESEL	TOYOTA HILUX GUN125R- DJFLXJ-JH Double cabin, 4x4 Standard	Kshs. 5,219,122.00	Kshs. 5,910,000.00

	Manual (with accessories) SOUTH AFRICA		
MTD-944-045-20. DOUBLE CAB, 4x4, LWB. 2000 - 2600 cc DIESEL	TOYOTA HILUX GUN125R-DJFLXJ-JH Double cabin, 4x4 Standard Manual (without accessories) SOUTH AFRICA	Kshs. 4,755,403.00	Kshs. 5,500,000.00
MTD-944-045-20. DOUBLE CAB, 4x4, LWB. 2000 - 2600 cc DIESEL	TOYOTA HILUX GUN125R-DJFLXJ-JH Double cabin, 4x4 Standard Manual (with accessories) SOUTH AFRICA	Kshs. 5,305,403.00	Kshs. 6,050,000.00
MTD-944-045-20. DOUBLE CAB, 4x4, LWB. 2000 - 2600 cc DIESEL	TOYOTA HILUX GUN125R-DNFSXN-1G Double cabin, 4x4 DELUXE Manual (without accessories) SOUTH AFRICA	Kshs. 3,979,924.00	Kshs. 6,290,000.00
MTD-944-045-20. DOUBLE CAB, 4x4, LWB. 2000 - 2600 cc DIESEL	TOYOTA HILUX GUN125R-DNFSXN-1G Double cabin, 4x4 DELUXE Manual (with accessories) SOUTH AFRICA	Kshs. 4,529,924.00	Kshs. 6,840,000.00
MTD-944-045-20. DOUBLE CAB, 4x4, LWB. 2000 - 2600 cc DIESEL	TOYOTA HILUX GUN125R-DNTSXN-1H Double cabin, 4x4 DELUXE Automatic (without accessories)	Kshs. 4,330,519.00	Kshs. 6,750,000.00
MTD-944-045-20. DOUBLE CAB, 4x4, LWB. 2000 - 2600 cc DIESEL	TOYOTA HILUX GUN125R-DNTSXN-1H Double cabin base, 4x4 DELUXE Automatic (with accessories)	Kshs. 4,880,519.00	Kshs. 7,300,000.00
MTD-982-045-20. PICK-UP SINGLE CAB, 4x2, 1.0 TON, 2000 - 2600cc, DIESEL	TOYOTA HILUX GUN135R-BJFLXJ-10 SINGLE CABIN 4X2 OPEN PICK UP SOUTH AFRICA	Kshs. 2,977,594.00	Kshs. 3,430,000.00

MTD-982-045-20. PICK-UP SINGLE CAB,4x2, 1.0 TON,2000 - 2600cc,DIESEL	TOYOTA HILUX GUN135R-BJFLXJ-10 SINGLE CABIN 4X2 (with frame & canvas/fibre glass body)	Kshs. 3,387,594.00	Kshs. 3,840,000.00
MTD-984-045-20. PICK-UP SINGLE CAB, 4x4, 1.0 TON, 2000 - 2600cc, DIESEL	TOYOTA HILUX GUN125R-BJFSXJ-17 SINGLE CABIN 4X4 OPEN PICK UP SOUTH AFRICA	Kshs. 3,918,881.00	Kshs. 4,510,000.00
MTD-984-045-20. PICK-UP SINGLE CAB, 4x4, 1.0 TON, 2000 - 2600cc, DIESEL	TOYOTA HILUX GUN125R-BJFSXJ-17 SINGLE CAB 4X4 (wih frame & canvas/ fibre glass body) SOUTH AFRICA	Kshs. 4,248,881.00	Kshs. 4,840,000.00
MTD-1011-045-20. HEAVY DUTY PICK-UP SINGLE CAB, 4x4, 1-1.5 TON, DIESEL, 4,000 - 4,200cc	TOYOTA LAND CRUISER, HZJ79R-TJMRS , 4X4 OPEN PICK UP (without frame and canvas) JAPAN	Kshs. 5,448,634.00	Kshs. 5,940,000.00
MTD-1011-045-20. HEAVY DUTY PICK-UP SINGLE CAB, 4x4, 1-1.5 TON, DIESEL, 4,000 - 4,200cc	TOYOTA LAND CRUISER, HZJ79R-TJMRS , 4X4, (steel super structure/ fibre glass with canvas) JAPAN	Kshs. 6,138,634.00	Kshs. 6,630,000.00
MTD-1011-045-20. HEAVY DUTY PICK-UP SINGLE CAB, 4x4, 1-1.5 TON, DIESEL, 4,000 - 4,200cc	TOYOTA LAND CRUISER, HZJ79R-TJMRS , 4X4, (Converted to 9 seater station wagon) JAPAN	Kshs. 7,018,634.00	Kshs. 7,510,000.00
MTD-1011-045-20. HEAVY DUTY PICK-UP SINGLE CAB, 4x4, 1-1.5 TON, DIESEL, 4,000 - 4,200cc	TOYOTA LAND CRUISER, HZJ76R-RKMRS ,4X4, (10 seater 4x4 station wagon- without accessories) JAPAN	Kshs. 7,753,037.00	Kshs. 10,890,000.00
MTD-1011-045-20. HEAVY DUTY PICK-UP SINGLE CAB, 4x4, 1-1.5 TON, DIESEL, 4,000 - 4,200cc	TOYOTA LAND CRUISER, HZJ76R-RKMRS ,4X4, (10 seater 4x4 station wagon- with accessories) JAPAN	Kshs. 8,153,037.00	Kshs. 11,290,000.00

MTD-1300-045-20. HEAVY DUTY DOUBLE CAB PICK UP, 4x4, 1-1.5 TON 4000 - 4200 cc, DIESEL, SUPERSTRUCTURE & CANVAS	TOYOTA LANDCRUISER, HZJ79R-DKRMS , 4x4 Double Cabin (without accessories) JAPAN	Kshs. 7,307,669.00	Kshs. 10,500,000.00
MTD-1300-045-20. HEAVY DUTY DOUBLE CAB PICK UP, 4x4, 1-1.5 TON 4000 - 4200 cc, DIESEL, SUPERSTRUCTURE & CANVAS	TOYOTA LANDCRUISER, HZJ79R-DKRMS , 4x4 Double Cabin (with accessories) JAPAN	Kshs. 7,937,669.00	Kshs. 11,130,000.00
MTD-1476-045-20. DOUBLE CAB PICK UP, 4x4, LWB. 2700 - 3200 cc DIESEL	TOYOTA HILUX, Double Cabin, GUN126R-DJFHXJ-1K , 2.8L Manual (without accessories) SOUTH AFRICA	Kshs. 6,452,547.00	Kshs. 7,600,000.00
MTD-1476-045-20. DOUBLE CAB PICK UP, 4x4, LWB. 2700 - 3200 cc DIESEL	TOYOTA HILUX, Double Cabin, GUN126R-DJFHXJ-1K , 2.8L Manual (with accessories) SOUTH AFRICA	Kshs. 7,002,547.00	Kshs. 8,150,000.00
MTD-1476-045-20. DOUBLE CAB PICK UP, 4x4, LWB. 2700 - 3200 cc DIESEL	TOYOTA HILUX, Double Cabin, GUN126R-DJTHXJ-10 , 2.8L Automatic (without accessories) SOUTH AFRICA	Kshs. 6,638,592.00	Kshs. 7,850,000.00
MTD-1476-045-20. DOUBLE CAB PICK UP, 4x4, LWB. 2700 - 3200 cc DIESEL	TOYOTA HILUX, Double Cabin, GUN126R-DJTHXJ-10 , 2.8L Automatic (with accessories) SOUTH AFRICA	Kshs. 7,188,592.00	Kshs. 8,400,000.00

PRINCIPAL SECRETARY
STATE DEPARTMENT FOR PUBLIC WORKS
P. O. Box 30743 - 00100
NAIROBI

Handwritten signature

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 and the Price Schedule submitted by the tenderer;
 - (b) the Confidential Business Questionnaire;
and the Technical Specification (where applicable);
 - (c) the 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 described 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: **Maj. Gen. (Rtd) Dr. Gordon O. Kihlangwa, CBS**

for the Client [Procuring Entity]

Title: - **Principal Secretary**

Signature: *[Handwritten Signature]*

Date: 10/5/2021

PRINCIPAL SECRETARY
STATE DEPARTMENT FOR PUBLIC WORKS
P. O. Box 30743 - 00100
NAIROBI

Full Name: FRANCIS M. KAMAU

for the Tenderer [Client]

Title: - **Company Director**

ID/No. 7234357

Signature: *[Handwritten Signature]*

Date: 10/5/21

In the presence of (witnesses): -

Full Name: - **K. Kigen Kieti**

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

Signature: *[Handwritten Signature]*

Date: 10/5/2021

Full Name: Wahne Wangari Maathai

ID/No.: 25159804

Signature: *[Handwritten Signature]*

Date: 10/05/21



TOYOTA KENYA LIMITED

Uhuru Highway
P.O. Box 3391 - 00506
Nairobi, Kenya
Tel: 254-020-6967000 / 651444
GSM: 0719 029 000
Website: www.toyotakenya.com
Enquiries: enquiries@toyotakenya.com



TKEN/SB014/05/2020/2021

6th May 2021

Principal Secretary
Ministry of Transport, Infrastructure, Housing, Urban Development & Public Works
State Department of Public Works
P.O Box 30743-00100
Nairobi

RE: NOTIFICATION OF AWARD
SDPW/SB/014/2020-2021 FOR SUPPLY AND DELIVERY OF PICKUPS
(PETROL AND DIESEL PROPELLED)

We are in receipt of your letter dated 26th April 2021 with Ref: SDPW/SB/26/60 regarding the above subject matter.

We request for amendment of the vehicle codes and transmissions for MTD-944-045-20 & MTD-1476-045-20, as capture on the notification to reflect the correct codes as offered in our tender documents.

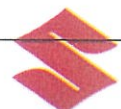
ITEM DESCRIPTION	Make/Model/Country of Origin (As per the notification of award)	Correct Model Code
MTD-944-045-20 DOUBLE CAB, 4x4, LWB. 2000-2600cc DIESEL	TOYOTA HILUX GUN125R-DJFXHJ-JH Double cabin, 4x4, standard Manual (with accessories) SOUTH AFRICA	TOYOTA HILUX GUN125R-DJFLXJ Double cabin, 4x4, standard Manual (with accessories) SOUTH AFRICA
MTD-944-045-20 DOUBLE CAB, 4x4, LWB. 2000-2600cc DIESEL	TOYOTA HILUX GUN125R-DJFXHJ-JH Double cabin, 4x4, standard Manual (without accessories) SOUTH AFRICA	TOYOTA HILUX GUN125R-DJFLXJ Double cabin, 4x4, standard Manual (without accessories) SOUTH AFRICA
MTD-944-045-20 DOUBLE CAB, 4x4, LWB. 2000-2600cc DIESEL	TOYOTA HILUX GUN125R-DJFXHJ-JH Double cabin, 4x4, standard Manual (with accessories) SOUTH AFRICA	TOYOTA HILUX GUN125R-DJFLXJ Double cabin, 4x4, standard Manual (without accessories) SOUTH AFRICA



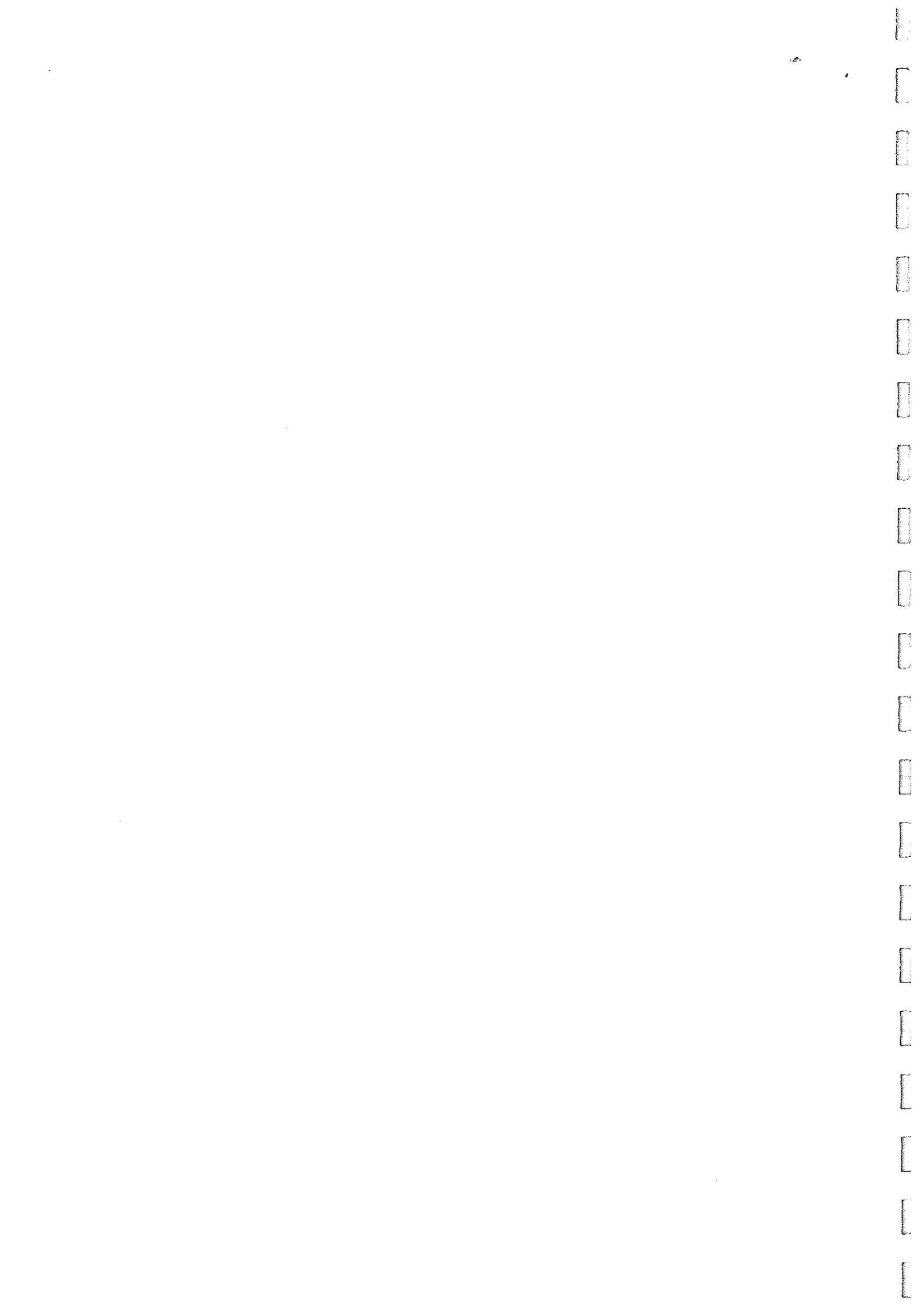
TOYOTA



HINO



SUZUKI




MTD-944-045-20 DOUBLE CAB, 4x4, LWB. 2000-2600cc DIESEL	TOYOTA HILUX GUN125R-DNTSXN-1H Double cabin, 4x4, DELUXE Manual (without accessories) SOUTH AFRICA	TOYOTA HILUX GUN125R-DNTSXN-1H Double cabin, 4x4, DELUXE Automatic (without accessories) SOUTH AFRICA
MTD-944-045-20 DOUBLE CAB, 4x4, LWB. 2000-2600cc DIESEL	TOYOTA HILUX GUN125R-DNTSXN-1H Double cabin, 4x4, DELUXE Manual (with accessories) SOUTH AFRICA	TOYOTA HILUX GUN125R-DNTSXN-1H Double cabin, 4x4, DELUXE Automatic (with accessories) SOUTH AFRICA
MTD-1476-045-20. DOUBLE CAB PICK UP, 4x4, LWB. 2700-3200cc DIESEL	TOYOTA HILUX, Double Cabin, GUN126R-DJTHXJ-10, 2.8L Manual (Without accessories) SOUTH AFRICA	TOYOTA HILUX, Double Cabin, GUN126R-DJTHXJ-10, 2.8L Automatic (Without accessories) SOUTH AFRICA
MTD-1476-045-20. DOUBLE CAB PICK UP, 4x4, LWB. 2700-3200cc DIESEL	TOYOTA HILUX, Double Cabin, GUN126R-DJTHXJ-10, 2.8L Manual (Without accessories) SOUTH AFRICA	TOYOTA HILUX, Double Cabin, GUN126R-DJTHXJ-10, 2.8L Automatic (Without accessories) SOUTH AFRICA

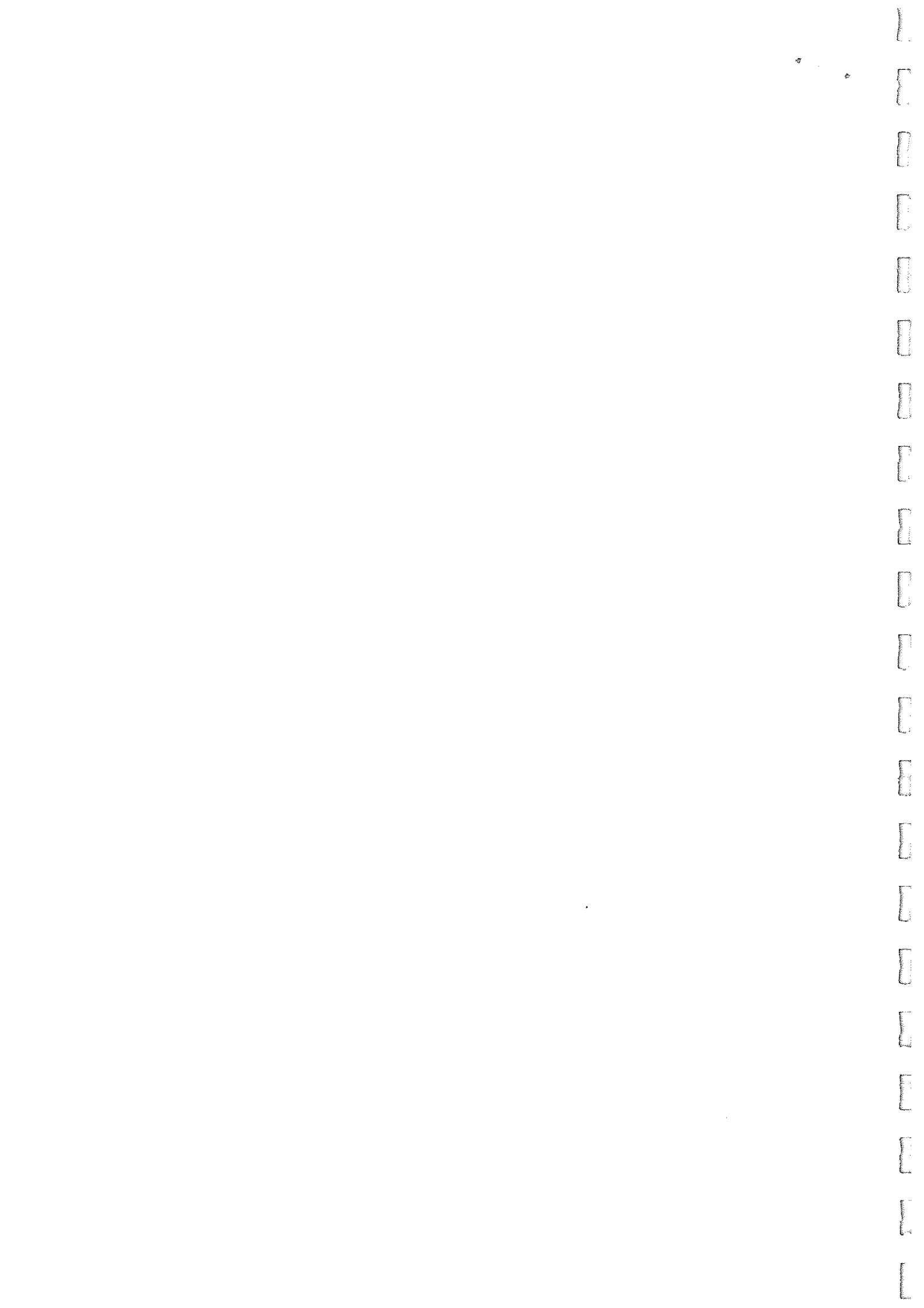
We wish to formally acknowledge and accept the award with the above amendments and thank you for choosing Toyota Products.

We are looking forward to signing the contract with you.

Yours Faithfully,
For Toyota Kenya Ltd


Francis M. Kamau
Tender and Government Sales Man





TOYOTA KENYA LIMITED

Uhuru Highway
P.O. Box 3391 - 00506
Nairobi, Kenya
Tel: 254-020-6967000 / 651444
GSM: 0719 029 000
Website: www.toyotakenya.com
Enquiries: enquiries@toyotakenya.com



TKEN/SB014/05/2020/2021

6th May 2021

Principal Secretary
Ministry of Transport, Infrastructure, Housing, Urban Development & Public Works
State Department of Public Works
P.O Box 30743-00100
Nairobi

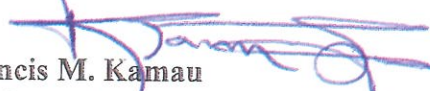
RE: NOTIFICATION OF AWARD
SDPW/SB/014/2020-2021 FOR SUPPLY AND DELIVERY OF PICKUPS
(PETROL AND DIESEL PROPELLED)

We are in receipt of your letter dated 26th April 2021 with Ref: SDPW/SB/26/60 regarding the above subject matter.

We wish to formally acknowledge and accept the award and thank you for choosing Toyota Products.

We are looking forward to signing the contract with you.

Yours Faithfully,
For Toyota Kenya Ltd


Francis M. Kamau
Tender and Government Sales Man



TOYOTA



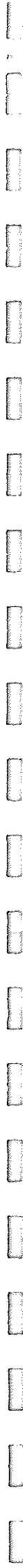
YAMAHA



HINO



SUZUKI





MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN
DEVELOPMENT & PUBLIC WORKS
STATE DEPARTMENT OF PUBLIC WORKS
Office of the Principal Secretary

Works Building
Ngong Road
Email: info@publicworks.go.ke

P.O Box 30743-00100
Tel: +254 (0) 20 272 3101/271 6960
Fax: +254 (0) 20 273 7659
NAIROBI-KENYA

When replying please quote:

Ref. No: SDPW/SB/26/60

Date: 26TH April, 2021

The Managing Director
M/s Toyota Kenya Ltd.
P.O. Box 3391 00506.
Nairobi.

RE: NOTIFICATION OF AWARD

SDPW/SB/014/2020-2021 FOR SUPPLY AND DELIVERY OF PICKUPS
(PETROL AND DIESEL PROPELLED)

The above-named tender in which you participated refers.

This is to notify you that your bid was successful for the items below per award prices listed alongside: -

MTD-944-045-20. DOUBLE CAB, 4x4, LWB. 2000 - 2600 cc DIESEL	TOYOTA HILUX GUN125R-DJFXHJ-JH Double cabin, 4x4 Standard Manual (with accessories) SOUTH AFRICA	Kshs. 5,219,122.00	Kshs. 5,910,000.00
MTD-944-045-20. DOUBLE CAB, 4x4, LWB. 2000 - 2600 cc DIESEL	TOYOTA HILUX GUN125R-DJFXHJ-JH Double cabin, 4x4 Standard Manual (without accessories) SOUTH AFRICA	Kshs. 4,755,403.00	Kshs. 5,500,000.00
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	Manual (with accessories) SOUTH AFRICA		
MTD-944-045-20. DOUBLE CAB, 4x4, LWB. 2000 - 2600 cc DIESEL	TOYOTA HILUX GUN125R-DNFSXN-1G Double cabin, 4x4 DELUXE Manual (without accessories) SOUTH AFRICA	Kshs. 3,979,924.00	Kshs. 6,290,000.00
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MTD-982-045-20. PICK-UP SINGLE CAB, 4x2, 1.0 TON, 2000 - 2600cc, DIESEL	TOYOTA HILUX GUN135R-BJFLXJ-10 SINGLE CABIN 4X2 OPEN PICK UP SOUTH AFRICA	Kshs. 2,977,594.00	Kshs. 3,430,000.00
MTD-982-045-20. PICK-UP SINGLE CAB, 4x2, 1.0 TON, 2000 - 2600cc, DIESEL	TOYOTA HILUX GUN135R-BJFLXJ-10 SINGLE CABIN 4X2 (with frame & canvas/fibre glass body)	Kshs. 3,387,594.00	Kshs. 3,840,000.00
MTD-984-045-20. PICK-UP SINGLE CAB, 4x4, 1.0 TON, 2000 - 2600cc, DIESEL	TOYOTA HILUX GUN125R-BJFSXJ-17 SINGLE CABIN 4X4 OPEN PICK UP SOUTH AFRICA	Kshs. 3,918,881.00	Kshs. 4,510,000.00
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MTD-1011-045-20. HEAVY DUTY PICK-UP SINGLE CAB, 4x4, 1-1.5 TON, DIESEL, 4,000 - 4,200cc	TOYOTA LAND CRUISER, HZJ79R-TJMRS, 4X4, (Converted to 9 seater station wagon) JAPAN	Kshs. 7,018,634.00	Kshs. 7,510,000.00
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MTD-1300-045-20. HEAVY DUTY DOUBLE CAB PICK UP, 4x4, 1-1.5 TON 4000 - 4200 cc, DIESEL, SUPERSTRUCTURE & CANVAS	TOYOTA LANDCRUISER, HZJ79R-DKRMS, 4x4 Double Cabin (without accessories) JAPAN	Kshs. 7,307,669.00	Kshs. 10,500,000.00
MTD-1300-045-20. HEAVY DUTY DOUBLE CAB PICK UP, 4x4, 1-1.5 TON 4000 - 4200 cc, DIESEL, SUPERSTRUCTURE & CANVAS	TOYOTA LANDCRUISER, HZJ79R-DKRMS, 4x4 Double Cabin (with accessories) JAPAN	Kshs. 7,937,669.00	Kshs. 11,130,000.00
MTD-1476-045-20. DOUBLE CAB PICK UP, 4x4, LWB. 2700 - 3200 cc DIESEL	TOYOTA HILUX, Double Cabin, GUN126R-DJFHXJ-1K, 2.8L	Kshs. 6,452,547.00	Kshs. 7,600,000.00

	Manual (without accessories) SOUTH AFRICA		
MTD-1476-045-20. DOUBLE CAB PICK UP, 4x4, LWB. 2700 - 3200 cc DIESEL	TOYOTA HILUX, Double Cabin, GUN126R-DJFHJ-1K, 2.8L Manual (with accessories) SOUTH AFRICA	Kshs. 7,002,547.00	Kshs. 8,150,000.00
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Please acknowledge receipt of this notification signifying your acceptance within 14 days from the date of this letter.

The contract will be signed by the parties within 30 days but not earlier than 14 days from the date of this letter.


 Maj. Gen. (Rtd) Dr. Gordon O. Kihalangwa, CBS
PRINCIPAL SECRETARY