

## REPUBLIC OF KENYA



Contract No. SB/006/036/2023

## 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 CFAO MOTORS 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/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 CFAO MOTORS KENYA 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	HINO XZU 720R - WKFRN3 CKD FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 6,850,000.00	OPTION 1 7,840,000.00
		HYUNDAI 3 - 4T S. KOREA	OPTION 2 4,774,000.00	OPTION 2 5,595,000.00

M/S CFAO MOTORS KENYA 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	HINO FC9JL1A-BBAKF CKD FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 9,199,000.00	OPTION 1 10,560,000.00
		HINO FC3JLPA CKD FROM JAPAN, ASSEMBLED IN KENYA	OPTION 2 7,225,000.00	OPTION 2 8,250,000.00
		HYUNDAI 7 - 8T S. KOREA	OPTION 3 6,785,000.00	OPTION 3 7,939,000.00
3.	MEDIUM TRUCK, 4x2, 7-8 TON, LOW SIDED	HINO FC9JL1A-BBAKF CKD FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 8,970,000.00	OPTION 1 10,300,000.00
		HINO FC3JLPA - ANX CKD FROM JAPAN, ASSEMBLED IN KENYA	OPTION 2 6,995,000.00	OPTION 2 7,985,000.00
		HYUNDAI 7 - 8T S. KOREA	OPTION 3 6,542,000.00	OPTION 3 7,696,000.00
4.	LARGE TRUCK, 4x2, 9 - 10 TON, LOW SIDED	HINO FG8JM1A-JG4 CKD FROM JAPAN, ASSEMBLED IN KENYA	12,500,000.00	14,160,000.00
7.	TRUCK, 4x2, 3 - 4 TON, HIGH SIDED BODY WITH CANVAS	HINO XZU720R - WKFRN3 CKD FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 7,070,000.00	OPTION 1 8,085,000.00
		HYUNDAI 3 - 4T S. KOREA	OPTION 2 5,449,000.00	OPTION 2 5,820,000.00
8.	LARGE TRUCK, 4x2, 9 - 10TON, HIGH SIDED BODY, SUPERSTRUCTURE WITH CANVAS	HINO FG8JM1A-JG4 CKD FROM JAPAN, ASSEMBLED IN KENYA	12,660,000.00	14,400,000.00
10.	TRUCK, 4x2, 3 - 5 TON, HIGH SIDED, FULLY ENCLOSED BODY	HINO XZU720R - WKFRN3 CKD FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 7,210,000.00	OPTION 1 8,250,000.00
		HYUNDAI 3 - 5T S. KOREA	OPTION 2 5,588,500.00	OPTION 2 5,959,500.00
12.	ELECTRIC POWERED LIGHT TRUCK, 4x2, 4 - 5 TON, HIGH SIDED, SUPERSTRUCTURE WITH CANVAS	HYUNDAI EV, 4X2, 4 - 5T S. KOREA	17,974,444.00	31,645,444.00
13.	LARGE TRUCK, 4x2, 9 - 10 TON, CAB CHASSIS	HINO FG8JM1A-JG4 CKD FROM JAPAN, ASSEMBLED IN KENYA	12,865,000.00	14,400,000.00

M/S CFAO MOTORS KENYA LTD				
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14.	LARGE TIPPER (DUMP TRUCK), 6X4, 14 TON CAB-CHASSIS	HINO FM8JL1D - XG4 CKD FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 14,440,000.00	OPTION 1 16,650,000.00
		SINOTRUK ZZ3257V324JB1R CHINA	OPTION 2 7,784,000.00	OPTION 2 13,685,000.00

### VARIOUS MICROBUS AWARDS

M/S CFAO MOTORS KENYA 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	HINO XZU 730R - WKFTN3 CKD FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 9,160,000.00	OPTION 1 10,510,000.00
		DAIMLER BUS OF917 /53 – EURO 3 INDIA	OPTION 2 8,636,000.00 <i>Daimler / Mercedes Benz 917 Euro 3</i>	OPTION 2 9,639,000.00 <i>Daimler / Mercedes Benz 917 Euro 3</i>
		DAIMLER BUS OF917 /53 – EURO 5 INDIA	OPTION 3 9,100,000.00 <i>Daimler / Mercedes Benz 917 Euro 5</i>	OPTION 3 10,197,000.00 <i>Daimler / Mercedes Benz 917 Euro 5</i>
2.	MICROBUS, DIESEL 14 PASSENGERS	TOYOTA HIACE DIESEL 4X2, 14 SEATER JAPAN	6,866,066.84	7,610,000.00
3.	MINIBUS, 25 -29 PASSENGERS, DIESEL.	HINO XZU 720R - WKFRN3 CKD FROM JAPAN, ASSEMBLED IN KENYA	OPTION 1 8,960,000.00	OPTION 1 10,300,000.00
		DAIMLER BUS OF917/53 - EURO3 INDIA	OPTION 2 8,636,000.00 <i>Daimler / Mercedes Benz 917 Euro 3</i>	OPTION 2 9,639,000.00 <i>Daimler / Mercedes Benz 917 Euro 3</i>
		DAIMLER BUS OF917/53 INDIA	OPTION 3 9,100,000.00 <i>Daimler / Mercedes Benz 917 Euro 5</i>	OPTION 3 10,197,000.00 <i>Daimler / Mercedes Benz 917 Euro 5</i>
4.	45-52 SEATER SEMI-LUXURY BUS	HINO FC9JL1A-BBAKF CKD FROM JAPAN,	OPTION 1 12,170,000.00	OPTION 1 13,980,000.00

M/S CFAO MOTORS KENYA LTD				
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		ASSEMBLED IN KENYA		
		HINO FC3JLPA – ANX CKD FROM JAPAN, ASSEMBLED IN KENYA	OPTION 2 10,680,000.00	OPTION 2 11,680,000.00
5.	SEMI-LUXURY LARGE BUS, 58-62 PASSENGERS	MERCEDES BENZ OF 1730 /59 BRAZIL	23,536,000.00	26,796.300.00
6.	EXECUTIVE MICROBUS, DIESEL, 9 PASSENGERS	TOYOTA HIACE DIESEL 4X2, 9 SEATER JAPAN	6,736,866.84	7,480,800.00
7.	EXECUTIVE MICROBUS, DIESEL, 7 PASSENGERS	TOYOTA HIACE DIESEL 4X2WD, 7 SEATER JAPAN	6,736,866.84	7,480,800.00
8.	MICROBUS, DIESEL 12 PASSENGERS	TOYOTA HIACE DIESEL 4X2, 12 SEATER JAPAN	6,866,066.84	7,610,000.00
9.	35-45 SEATER, LUXURY BUS	HINO FC9JL1A-BBAKF CKD FROM JAPAN, ASSEMBLED IN KENYA	13,320,000.00	15,320,000.00
		HINO FC3JLPA – ANX CKD FROM JAPAN, ASSEMBLED IN KENYA	11,225,000.00	13,000,000.00
10.	SEMI-LUXURY LARGE BUS, 64-67 PASSENGERS	MERCEDES BENZ OF 1730 /59 BRAZIL	24,564,000.00	27,825,000.00

**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 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: ANDREW ADOLLA

for the Client [Procuring Entity]

for the Tenderer [Client]

Title: - **Principal Secretary**

Title: - **Company Director**

Signature: [Signature]

ID/No. 11229066

Date: 14/12/2023

Signature [Signature]

Date 14/12/2023

In the presence of (witnesses): -

Full Name: -**Kenneth Mwangi**

Full Name: JOHN ROY KYALO

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

ID/No.: 11647308

Signature: [Signature]

Signature: [Signature]

Date: 14/12/2023

Date: 14.12.2023

