

VOLUME 2

SECTION 1 – CONTRACT FORM

Between

Agenzia Italiana Cooperazione allo Sviluppo (AICS)
United Nations Crescent
P.O.BOX 63389-00619, Muthaiga - Nairobi

(“The contracting authority”),

of the one part,

and

Msingi Bora Builders and Contractors Ltd
Official registration number: C. 168047
P O Box 11097-00100 Nairobi Kenya
VAT number: P051242018J

(“the contractor”)

of the other part,

have agreed as follows:

PROJECT < Sviluppo Ecosostenibile dell'irrigazione agricola e della bonifica in Kenya >

CONTRACT TITLE < Emergency rehabilitation of Weiwei irrigation infrastructure >

Ref: CIG 7680111

Whereas the contracting authority would like the contractor to carry out the following works:
Construction for the rehabilitation of WeiWei irrigation infrastructure and has accepted a tender by the contractor for the execution and completion of such works and the remedying of any defects therein.

It is hereby agreed as follows:

(1) In this contract, words and expressions shall have the meanings assigned to them in the contractual conditions set out below.

(2) The following documents shall be deemed to form and be read and construed as part of this contract, in the following order of precedence:

- the contract,
- the special conditions,
- the general conditions,
- the bill of quantities (after arithmetical corrections) and the breakdown of lump-sum price,

- the technical specifications,
- the design documentation (drawings),
- any other documents forming part of the contract.

The various documents making up the contract shall be deemed to be mutually explanatory; in cases of ambiguity or divergence, they shall prevail in the order in which they appear above. Addenda shall have the order of precedence of the document they are amending.

(3) In consideration of the payments to be made by the contracting authority to the contractor as hereinafter mentioned, the contractor undertakes to execute and complete the works and remedy defects therein in full compliance with the provisions of the contract.

(4) The contracting authority hereby agrees to pay the contractor in consideration of the execution and completion of the works and remedying of defects therein the amount of:

- **Contract price:** KSH 14,388,750.00

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. VAT will be paid in compliance with the binding regulations, national law and international agreements concerning the execution of the project. VAT and other taxes shall not be paid on the funds originating from AICS funds.

(5) Contractor's obligation to comply with rule of financial flow traceability

The Contractor in signing this service contract is obliged to comply with the rule of financial traceability according to the article 3 of Italian law no. 134 on 13 August 2010 and subsequent amendments.

To that end the following Contractor's bank account shall be dedicated to the contract financial management:

Bank account number: 0021001000551

Bank name: Credit Bank Ltd

SWIFT: CRBTKENA

Account holder: Msingi Bora Builders and Contractors Limited:

Account holder fiscal code: PIN no. P051242018J

The Contractor also declares that the aforementioned bank account is dedicated, even on a non-exclusive basis, to public procurement.

Details to be included in the contractor's invoices:

VAT code: P051242018J

CIG number;7680111

The Contractor's invoices header shall be: Italian Agency for Development Cooperation

The Contractor's invoices issued for contract, shall include the CIG number.

The **Annex VI_C** Declaration on traceability shall be deemed to form and be read as part of this contract.

In witness whereof the parties hereto have signed the contract. This contract shall take effect on the date on which it is signed by the last party, namely the contractor.

Done in English in two originals, one being for the Contracting Authority and one for the Contractor

For the contractor

Name: **Wilson NAAHU**

Title:

Signature:



Date: **27/02/2020**

For the contracting authority

Name: **FABIO MELLONI**

Title: **DIRECTOR AICS NAIROBI**

Signature:



Date: **27/02/2020**

