

B. DRAFT CONTRACT AND SPECIAL CONDITIONS, INCLUDING ANNEXES

DRAFT CONTRACT

SUPPLY CONTRACT FOR EUROPEAN UNION EXTERNAL ACTIONS

No .: CDTF/CDI /82/10-11

FINANCED FROM THE 10TH EDF FUNDS

The Chairman of the Board of Trustees
Community Development Trust Fund
P . O . BOX 62199- 00200
NAIROBI
("The Contracting Authority"),

of the one part,

and

<Full official name of Contractor>
[Legal status/title]¹
[Official registration number]²
[Full official address]
[VAT number]³, ("the Contractor")

of the other part,

have agreed as follows:

CONTRACT TITLE: SUPPLY OF THREE (3) UNITS OF 4WD MOTOR VEHICLES TO COMMUNITY DEVELOPMENT INITIATIVES PROGRAMME OF COMMUNITY DEVELOPMENT TRUST FUND (CDTF)

Identification number: CDTF/CDI/82/10-11

¹ Where the contracting party is an individual.

² Where applicable. For individuals, mention their ID card or passport or equivalent document - number

³ Except where the contracting party is not VAT registered.

Article 1 Subject

- 1.1 The subject of the contract shall be the delivery of three (3) units 4WD Station Wagon vehicles. The place of acceptance of the supplies shall be **CDTF offices, Josem Trust House, 2nd Floor, Bunyala/Masaba, P.O Box 62199-00200 Nairobi**, the time limits for delivery shall be within 60 days from the date of the contract signature and the Incoterm applicable shall be DDU¹. The implementation period of tasks shall run from the signature of the contract up to the end of the warranty period.
- 1.2 The Contractor shall comply strictly with the terms of the Special Conditions and the technical annex.
- 1.3 The supplies which form the subject of the contract number CDTF/CDI/82/10-11 must be accompanied by the spare parts described by the Contractor in its tender] and by an after sales service over a period of 5 years, as specified in the Instructions to Tenderers.

Article 2 Origin

All supplies and materials purchased must originate in a Member State of the European Union and/or ACP State and/or in a country or territory authorised by the ACP-EC Partnership Agreement under which the contract is financed. A certificate of origin for the supplies must be provided by the Contractor at the latest when it requests provisional acceptance of the supplies. Failure to comply with this condition may result in the termination of the contract.

Article 3 Price

- 3.1 The price of the supplies shall be that shown on the financial offer (specimen in Annex IV).
- 3.2 Payments shall be made in accordance with the General and/or Special Conditions (Articles 26 to 28).

Article 4 Order of precedence of contract documents

The contract is made up of the following documents, in order of precedence:

- the contract agreement;
- the Special Conditions
- the General Conditions (Annex I);
- the Technical Specifications (Annex II [including clarifications before the deadline for submission of tenders and minutes from the information meeting/site visit];
- the Technical Offer (Annex III [including clarifications from the tenderer provided during tender evaluation];
- the budget breakdown (Annex IV);
- (specified forms and other relevant documents (Annex V);

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.

¹ DDU (Delivered Duty Unpaid) - Incoterms 2000 International Chamber of Commerce - <http://www.iccwbo.org/incoterms/id3040/index.html>

Article 5

The following conditions to the contract shall apply: ...

Done in English in three originals, one original being for the Contracting Authority, one original being for the European Commission, and one original being for the Contractor.

For the Contractor

Name:

Title:

Signature:

Date:

For the Contracting Authority

Name:

Title:

Signature:

Date:

Endorsed for financing by the European Union (As this is above 50,000 Euro and as per article 4.9 of the 1st CDI Programme Estimate, the award of contract will be approved by the EU Delegation, but not make payments. The contract will have to be signed only by the Contracting Authority).

Name:

Title:

Signature:

Date: