



কট

৮৯৯১৩৭১

FORM OF AGREEMENT

THIS ARGEEMENT made and entered in to this 13 day of October 2017 Between **UNIVERSAL HEALTH SERVICES & RESEARCH LTD.**, 23- Green Road, Dhaka-1205, Bangladesh. (Hereinafter called "The Employer") of the one part and **CROSS WORLD POWER LTD.**, Plot-1/B, Road-90, Gulshan-2, Dhaka, Bangladesh. (Hereinafter called "the Contractor") of the other part.

WHEREAS the employer is desirous that certain works namely **Supply, Installation, Testing & Commissioning Of Diesel Engine Driven Electric Generators with Synchronizing & Load Sharing Module, Fuel Reserve Tank, Room Acoustic Treatment with Ventilation, Extended Exhaust Discharge for Universal Health Services & Research Ltd. at 23, Green Road, Dhaka-1205.** (here under referred to as works) should be executed and has accepted a Tender by the contractor for the Supply, Installation, Testing & Commissioning, completion and maintenance of the said works.

Contract price is **Tk. 5,32,00,000.00 (Five Crore Thirty Two Lac Only)** and the work to be completed with all respect within **5 (Five) months** from the date of signing of the Contract agreement. However both the parties agree that in the event of delay of completion of the project within the agreed time frame a liquated damage of 0.05% (point zero five percent) of the Contract price for delay for each day or part thereof with a maximum of 5% (five percent) of the Contract price will be payable by the contractor.

Payment schedule and all other terms and conditions will be as per **tender specification**. Total amount mentioned must not exceed **Tk. 5,32,00,000.00** , the maximum limit. In any situation, if the currency rate is increased or decreased, it will be at the supplier's cost.

AND WHEREAS the employer had issued a letter of Intent to the contractor under reference UHSRL/CW/2017/02 dt. 08-10-2017 in acknowledgement of the acceptance of the Tender in terms of which the contractor was asked to submit Performance Bond and Time Schedule for execution of Contract.

AND WHEREAS the contractor acted upon the Letter of intent and submitted Performance Bond No. NCCB/MOGH/PG-35/17 dt. 09-10-2017, Time Schedule for execution of Contract and shop drawing. AND WHEREAS it was provided in the Letter of intent that formal Agreement will be executed from the date of commencement of the works by the contractor. AND WHEREAS agreement mutually subscribed by both parties, employer and contractor as below:-

1. In this agreement word and expression shall have the same meanings as are respectively assigned to them in the condition of contract hereinafter referred to.

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”



কথ ৮৩৩৫০১৮

2. The Tender Document consisting following chapters shall be deemed to form and be read and construed as part of this agreement, Viz.

- Letter of Intent.
- Notice inviting Tenders.
- Instruction to Tenderers.
- Abstract of Tender.
- General Conditions Of Contract.
- Schedule of Items and Bill of Quantities.
- Any other decisions mutually agreed upon by the parties.

3. Short description of accepted items :

Sl.	Name of Items	Description
	<u>Diesel Generator</u> <u>(Prime Rated)</u>	Capacity: Min. 1500 KW, 1000 KW, 500 KW 400V-3PH -50Hz with Neutral out. Operation: Synchronized with Load Sharing Module. Country Origin: UK. Brand: Tempest. Alternator: Stamford, UK. Engine: Perkins UK. , USA(For 650KVA) Mounting: With Vibration Isolation Acoustic treatment with ventilation for Generator room.

4. Mode of Payment

- Generator L/C will be opened by Universal Health Services & Research Ltd. Money spent by Universal Health Services & Research Ltd. will be adjusted from the total contract value i.e Tk. 5,32,00,000.00 and rest will be paid to the contractor (Cross World Power Ltd.)
- 10 % of the Security Deposit will be deducted from each bill/ payment which will be paid 12 months after the completion of the Installation, Testing, Commissioning & handover of the total work.
- All payments will be made to the Contractor after deduction of S.D (security deposit) , VAT, AIT and any other government Levies applicable.

5. Pre shipment inspection (PSI) of the Owner's representatives to be performed at owners cost at the time of load testing. Schedule will be declared and visa must be processed by the supplier with reasonable time in hand.



কট ৮৯৯১৩৭০

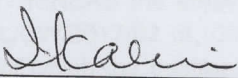
6. In consideration of the payment to be made by the Employer to the Contractor as hereinafter mentioned the Contractor hereby covenants with the Employer to construct and complete the works and maintain the permanent works in conformity in all respects with the provisions of the contract.

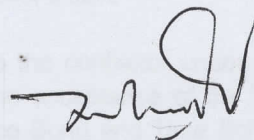
7. The Employer hereby covenants to pay to the contractor in consideration of the construction and completion of the works and maintenance of the permanent works at the contract price at the time and in the manner prescribed by the contract.

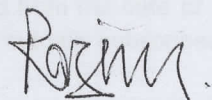
8. All disputes relating to any matter covered under and by this Agreement shall be peacefully settled between the parties to the Agreement by negotiation. If negotiation fails to produce the settlement, any party to the dispute may refer the dispute to a settlement by arbitration under the provision of Arbitration Act 2001 by a sole or more than one but odd number of arbitrator. However, if the parties fail to agree on the same, the dispute shall be referred for settlement by an arbitration tribunal of three arbitrators where each party will appoint one arbitrator and the arbitrators so appointed will appoint the chairman of the tribunal. The law governing the arbitration proceedings shall be the Arbitration Act. 2001. The venue of arbitration shall be Dhaka.

IN WITNESS WHERE OF the parties hereto have cause their respective common seals to be Hereinto affixed (or have hereinto set their respective hands and seals) the day and year first above written.

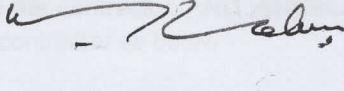
SIGNED SEALED AND DELIVERED BY

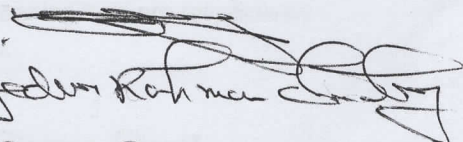

SIGNATURE OF CONTRACTOR
Iftekhar Karim
Chief Operating Officer


SIGNATURE OF EMPLOYER
Masih Malik Chowdhury
Director/ Managing Director

Witness:
1) 

2) 

Witness:
1) 

2) 

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”