

SPECIMEN FORMAT OF AGREEMENT

[The successful Tenderer shall fill in this form in accordance with the instructions indicated]

THIS CONTRACT AGREEMENT is made on the [insert: **number**] day of [insert: **month**],
[insert: **year**].

BETWEEN

(1) *The Board of Mumbai Port Authority, a statutory corporation, constituted under Major Port Authorities Act, 2021, under the Laws of India and having its principal place of business at Port House, S.V. Road, Ballard Estate, Mumbai – 400 001 (hereinafter called “the Employer”), of the one part And*

(2) *[insert name of Contractor], [incorporated under] the laws of [insert: country of Contractor] and having its principal place of business at [insert: address of Contractor] (hereinafter called “the Contractor”) of the other part*

WHEREAS the Board invited Tenders against tender no. **[Number]** for execution of **[TENDER TITLE AND BRIEF DESCRIPTION]**, and has accepted a Tender by the Contractor in accordance with the supply/ delivery schedules, in the sum of *[insert Contract Price in words and figures, expressed in the Contract currency(ies)]* (hereinafter called “the Contract Price”).

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 constitute the Contract between the Employer/ Board and the Contractor, and each shall be read and construed as an integral part of the Contract:

- (a) This Contract Agreement;
- (b) Special Conditions of Contract;
- (c) General Conditions of Contract;
- (d) Specifications, drawings;
- (e) Notice Inviting Tender;
- (f) Replies issued to the Pre-bid queries, addenda, if any, issued **[numbers and dates]**;
- (g) The Contractor’s Tender Offer and priced Bill of Quantities;
- (h) The Employer’s Notification of Award/ Letter of Acceptance;
- (i) **[Correspondence the Employer/ Board had exchanged with the tenderer till and after award of contract [specific letters and dates];**
- (j) **and [Add here any other document(s)]**

AND WHEREAS

EMPLOYER/ BOARD accepted the Tender of CONTRACTOR for the provision and the execution of WORK at the CONTRACT PRICE as indicated in CONTRACT upon the terms



and subject to the conditions of Contract. Now this CONTRACT AGREEMENT witnessed and it is hereby agreed and declared as follows:

A. In consideration of the payment to be made to CONTRACTOR for WORK to be executed by him. CONTRACTOR hereby Covenants with EMPLOYER/ BOARD that CONTRACTOR shall and will duly provide, execute and complete Work and things in CONTRACT, mentioned or described or which are to be implied there from or may be reasonably necessary for completion of Work and at the times and in the manner and subject to the terms and conditions or stipulations mentioned in CONTRACT.

2. In consideration of the due provision, execution and completion of WORK by the CONTRACTOR in accordance with the terms of the CONTRACT, the EMPLOYER/ BOARD does hereby agree with CONTRACTOR that EMPLOYER/ BOARD will pay to Contractor the respective amounts for the work actually done by him and approved by EMPLOYER/ BOARD as per Payment Terms accepted in CONTRACT and payable to CONTRACTOR under provision of Contract at such time and in such manner as provided for in the CONTRACT. AND

3. In consideration of the due provision, execution and completion of WORK, CONTRACTOR does hereby agree to pay such sums as may be due to EMPLOYER/ BOARD for the services rendered by EMPLOYER/ BOARD to Contractor as set forth in CONTRACT and such other sums as may become payable to EMPLOYER/ BOARD towards loss, damage to the EMPLOYER/ BOARD's equipment, materials etc. and such payments to be made at such time and in such manner as is provided in the CONTRACT.

IN WITNESS whereof the parties hereto have caused this Agreement to be executed in accordance with the laws of INDIA on the day, month and year indicated above. For and on behalf of the Contractor

Signed: *[insert signature of authorized representative(s) of the Contractor]*
in the capacity of *[insert title or other appropriate designation]* in
the presence of *[insert identification of official witness]*

For and on behalf of the Employer

Signed: *[insert signature]*
in the capacity of *[insert title or other appropriate designation]* in
the presence of *[insert identification of official witness]*

The common seal of the board of Mumbai Port Authority was
affixed in presence of
Secretary, MUMBAI PORT AUTHORITY

Secretary MUMBAI PORT AUTHORITY

