



**Public
Procurement
Authority**
Improving efficiency and
transparency in the Public Service

FORMS AND CONDITIONS OF STANDARD GOODS AND WORKS CONTRACT

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LEARNING OBJECTIVES

By the end of the session, participants will be able to:

- Explain the Basic Documents that comprise Goods Contract and Works Contract.
- Describe the Standard Forms of Contract for Goods and Works
- Explain the General Conditions of Contract for Goods and Works
- Discuss the Special Conditions of Contract/ Conditions of Particular Applications

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Basic Documentation for Goods/Works Contract

- In a competitive tender situation, all participants must tender on the basis of ***identical terms*** in order to make their ***tender prices comparable***.
- For this reason, conditions of contract form part of the tender documents.
- Care should always be taken to ensure that documents not made available in the Tender Document should not be part of the Contract Document.
- Any other document not made available in document must be agreed by both parties before consideration as part of Contract Document

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Basic Documentation for Goods/Works Contract

Goods Contract includes the following:

- 1.The Purchaser's notification of award
- 2.The Tender submitted by the Supplier
- 3.The Price Schedules
- 4.The Schedule(s) of Requirements
- 5.The Technical Specifications and any accompanying drawings and samples of the Purchaser;
- 6.The form of the contract- the actual document signed by both parties;

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Basic Documentation for Goods/works Contract

7. General conditions of contract;
8. Special conditions of contract;
9. Copies of any relevant meeting minutes of negotiations or letters which have been exchanged;
10. Performance Securities/Guarantee
11. Amendments to the tender documents(if any)
12. Special agreements on subjects such as installation, commissioning, etc,

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Basic Documentation for Works Contract

The contract documents usually comprise:

- The Letter of Acceptance (and any minutes of final contract negotiations, if any and/or clarifications),
- The Tender,
- The Agreement (Form of contract)
- The Particular Conditions of Contract (Special conditions),
- The General Conditions of contract,
- The Drawings,
- The Priced Bill of Quantities and the Day work schedule included therein,
- The Schedule of Rates and process (if any), and
- Other relevant documents or reference materials forming part of the Contract.

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Basic Documentation for Goods/Works Contract

- All the above-mentioned documents should be physically incorporated and bound into one original contract version (or two originals, each party taking his own copy) in which the parties have initialed each constituent page. This is called Contract Document
- The only exception might be that General Conditions of Contract are incorporated by reference to a well-known and easily accessible set of General Conditions of Contract.

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Form of Goods Contract

- **Standard Contract for Request for Price Quotation**
- **Standard Contract Form for National Competitive Tendering**
- **Standard Contract Form for International Competitive Tendering**

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Clauses in General Conditions of Contract for National Competitive Tendering

- **Definitions**
- **Application**
- **Country of origin**
- **Standards**
- **Use of Contract Documents and Information**
- **Patent Rights**
- **Performance Security**
- **Inspections and Tests**

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Cont.

- **Packing**
- **Delivery and Transfer of Risk**
- **Insurance**
- **Transportation**
- **Incidental Services**
- **Spare Parts**
- **Warranty**
- **Payment**

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Cont.

- **Prices**
- **Change Orders**
- **Contract Amendments**
- **Assignment**
- **Subcontracts**
- **Delays in the Supplier's Performance**
- **Liquidated Damages**

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Cont.

- **Termination for Default**
- **Force Majeure**
- **Termination for Insolvency**
- **Termination for Convenience**
- **Resolution of Disputes**
- **Governing Language**
- **Applicable Law**
- **Notices**
- **Taxes and Duties**

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Clauses in Special Conditions of Contract for National Competitive Tendering

- Definitions
- Country of Origin
- Performance Security
- Inspection and Tests
- Packing
- Delivery and Documents
- Insurance
- Incidental Services
- Spare Parts

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Cont.

- Warranty
- Payment
- Prices
- Liquidated Damages
- Resolution of Disputes
- Governing Language
- Notices

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