STANDARD BIDDING DOCUMENTS

for

Request for Proposals from Individual Service Providers under Capacity Building Programme

(through Open Advertised Bidding on Fixed Budget Based Selection)
Request for Proposals from Individual Service Providers

Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division)

Ship Surveys

OAB No: 21 of 2010

Project: Hiring of services and support in the field of Ship Surveys (Capacity Building Programme)

Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping [Land Transport & Shipping Division]
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1. Press Notice

Request for Proposal from Individual Service Provider under the Capacity Building Programme.

Ministry of Public Infrastructure, National Development Unit, Land Transport & Shipping (Land Transport & Shipping Division)

The Ministry of Public Infrastructure, National Development Unit, Land Transport & Shipping (Land Transport & Shipping Division) invites qualified individuals possessing the required technical qualifications in the relevant field to submit technical proposal for the supply of services and support in the field of Ship Surveys which could form the basis for future negotiations and ultimately, a contract between the selected bidder and the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division).

2. Proposals of the Service Providers will be evaluated on the basis of quality fixed budget. The Technical Proposals scoring the pass marks shall be ranked in the order of the highest marks for award of contract.

3. The selected Service Provider will be based at the Shipping Division of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division), Capitainerie Building, Quay D, Port Louis to work with a team of Surveyors so as to promote Maritime Safety, Maritime Security of Ship and to ensure protection of Marine Environment.

4. The Selected Service Provider is expected to start his assignment on or about January 2011 on a contractual basis for an initial period of 12 months renewable thereafter for an additional period of 12 months subject to satisfactory performance and the need of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division).

5. Proposals from Service Providers should reach the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) on 21 December, 2010 not later than 13.30 hrs.

6. Further details on the scope of the assignment, terms and conditions of the Contract as well as the procedures for preparation and submission of proposals are available on the Ministry’s website http://www.gov.mu/portal/site/mpisite and the Government Procurement website http://publicprocurement.gov.mu.
2. **Invitation for Bids**

*Procurement Reference No 21 of 2010*

**Ship Surveys**

The Ministry of Public Infrastructure, National Development Unit, Land Transport & Shipping (Land Transport & Shipping Division) invites qualified individuals possessing:

A Certificate of Competency as Class I Marine Engineer (Steam and Motor) issued in accordance with International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention).

In the absence of the above, a Certificate of Competency as Class I Marine Engineer (Motor only) issued in accordance with International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) may be considered.

B At least five years’ experience in the Engine Room Department of foreign going ships which should include at least a period of one year as Chief Engineer.

C Candidate should be Computer Literate.

Experience as Surveyor of ships or in the Maritime Safety Administration is desirable.

to submit technical proposals for the supply of services and support in the field of Ship Surveys under the Capacity Building Programme which could form the basis for future negotiations and ultimately, a contract between you and the said Ministry.

2. The purpose of this Programme is to:

(a) provide appropriate capacity building for staff especially in the context of the Programme- Based Budget (PBB).

(b) work with Programme Managers as per deliverables in the PBB.

(c) provide quality control over the work of the delivery units in the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division).

(d) provide quality control on the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division)/Sector strategies.

(e) assist in implementing major projects relevant for meeting PBB targets.
3. The following documents which are available on the website of the Ministry http://www.gov.mu/portal/site/mpisite will enable submission of proposals:

(a) the Terms of Reference (TOR) (Annexure 1);
(b) supplementary information to Service Providers, including a suggested format of curriculum vitae (Annexure 2); and
(c) a sample format of the Service Contract under which the services will be performed (Annexure 3).

4. Any request for clarification should be forwarded in writing via fax No 201 3417 addressed to the person indicated for the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) in Para 7 and should be received at latest 7 days prior to the deadline set for submission of proposals in para. 6.

5. The Government of the Republic of Mauritius requires that bidders/suppliers/contractors participating in procurement in Mauritius observe the highest standard of ethics during the procurement process and execution of contracts.

Service Providers are therefore advised to consult the website of the Procurement Policy Office of Mauritius http://ppo.gov.mu to acquaint them with the legislations related to procurement in Mauritius.

Ineligibility

6. Service Providers should submit a statement on past and present declaration of ineligibility, if any, by any international agency or any termination of contract for unsuccessful completion of assignment, giving adequate details to enable a fair assessment.

Public Officers are eligible to send their proposals but they will have to resign/retire from the Service if they accept to enter into contract with the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) under this Programme.

Any person who has been in one way or the other involved in establishing the need for this service and/or in drafting any part of this procurement process shall not be eligible to apply for this assignment.

Submission of Proposals

7. The proposals from the Service Providers/ potential candidates in response to the open advertisement shall be submitted according to the instructions given in the "Supplementary Information to Service Providers".

Proposal forms and other information are available on the website of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) or could be collected at the reception desk of the same ministry respectively.
The proposal must be submitted in a sealed envelope bearing the name and address of the service provider and the procurement reference number and addressed to **Permanent Secretary** by courier services to arrive at latest by **13.30 hrs on 21 December 2010** at the following address:

*Ministry of Public Infrastructure,*  
*National Development Unit, Land Transport & Shipping*  
*(Land Transport & Shipping Division)*  
*4th Floor New Government Centre*  
*Port-Louis*

### Deciding Award of Contract

8. The Service Provider shall be remunerated a fixed amount of **Rs 743,760** for **12 months** all inclusive.

Evaluation of the Technical Proposals shall be made according to the following criteria:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Marks</th>
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<tbody>
<tr>
<td>Academic Qualifications</td>
<td>40</td>
</tr>
<tr>
<td>Experience/Knowledge of Work</td>
<td>30</td>
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<tr>
<td>Personality</td>
<td>20</td>
</tr>
<tr>
<td>Physical Fitness</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Minimum pass marks is 70. The proposals scoring the minimum pass marks shall be classified in the order of the highest marks for award.

The award will be made to the best candidate(s) as per their ranking.

9. The initial duration of the assignment shall be for a period of **12 months** and may be extended for a total period not exceeding **36 months**.

The fixed budget indicated by the **Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division)** will be prorated in case the duration of the assignment is to be extended.

10. A bidder should keep his proposal valid for **60 days** from the deadline for submission of proposals during which period he will maintain without change, his proposed price. The **Ministry of Public Infrastructure, National Development Unit, Land Transport & Shipping (Land Transport & Shipping Division)** will make its best efforts to finalize the selection process within this period.

11. Assuming that the contract can be satisfactorily concluded by **January 2011**, the Service Provider will be expected to take up/commence with the assignment in **two weeks**.
12. **Tax Liability**

(a) *Registration for Income Tax and VAT purposes*

A Service Provider hired under the Capacity Building Programme should apply for a Tax Account Number (TAN) if he does not already have one, and at the same time also register for VAT purposes by filling the relevant application/registration form.

(b) *Value Added Tax*

Services provided by Service Providers under the Capacity Building Programme are vatable. Fees paid by the Ministry to Service Providers shall be net of VAT and any Tax Deduction at Source as may be applicable. The VAT equivalent to 15% of the fees shall be paid by the Ministry of Finance and Economic Development to the Mauritius Revenue Authority. Service Providers would not be required to file VAT returns.

(c) *Current Payment System*

A Service Provider providing services under the Capacity Building Programme is regarded as a self employed deriving income falling under Current Payment System (CPS). Where in a CPS quarter, the gross fees derived by a Service Provider exceeds the CPS threshold of Rs 100,000, he should file a CPS statement in respect of that quarter and pay any income tax payable in accordance thereof. A CPS Statement should be filed by him in respect of all remaining CPS Quarter in that year.

(d) *Tax Deduction at Source*

Fees paid to Service Providers who provide services as Architect, Engineer, Land Surveyor, Project Manager in the construction industry, property valuer and quantity surveyor also attracts Tax Deduction at Source at the rate of 3%.

13. **Insurance**

The Service Provider shall meet the cost of any insurance and/or medical examination or treatment required by him/her in the course of performing the services.
Terms of Reference  Annexure – 1

Ship Surveys

Part 1. Background

Following a decision of the government of the Republic of Mauritius, the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) is inviting proposals for capacity building related to the department dealing with Maritime Security and Safety at Sea.

Part 2. The Services:

The Service Provider(s) shall:

(i) implement the Merchant Shipping Act;

(ii) carry out various types of periodical surveys of ships in accordance with the relevant Rules/Regulations conforming to International Standards (Conventions) and national requirements, and the issuance of the Statutory certificates to each ship, thereafter;

(iii) carry out intermediate surveys/inspections of ships so as to verify that the ships and their equipment continue to be so maintained as to warrant the continued holding of the appropriate certificate/s;

(iv) carry out inspections pertaining to Port State Control of foreign ships;

(v) carry out inspections and detention of unseaworthy/unsafe ships;

(vi) co-ordinate the work of those classification societies to whom statutory functions have been delegated as regards surveys of national ships;

(vii) maintain technical records of national ships;

(viii) deal with requests for exemptions from any statutory requirements;

(ix) organize and conduct various examinations for the purpose of granting Certificate of Competency;

(x) conduct enquiries/investigations into shipping casualties;

(xi) carry out survey and inspection of fishing vessels to ensure their safety and seaworthiness;

(xii) deal with matters pertaining to prevention/control/ combat of marine pollution; and

(xiii) perform all IT related duties.
Part 3. Facilities to be provided by the Ministry

The Service Provider shall be provided with facilities in respect of office, PC and printer, stationeries, communication facilities and support personnel as needed for the assignment.

Part 4. Contract duration and fees

(a) Intended duration of contract

The assignment is expected to be for an initial period of **12 months**. The duration of the assignment may be extended up to a maximum of **36 months** depending on the performance of the Service Provider as well as the requirements of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division).

(b) Fees

Arrangement may be made for the disbursement of an annual fee of **Rs 743,760** in equal monthly instalments.

Part 5. Deliverables

Aim to have:

(i) Flag State Inspections

(ii) Port State Inspections

(iii) Surveys and Inspections

(iv) Examination of Seafarers.
4. Supplementary Information to Service Providers
Annexure-2

Proposals

1. Proposals should include the following information:

   (a) Technical Proposals

      (i) Personal Data Form to be filled in by Service Provider.

      (ii) An outline of recent experience on assignments/ projects of similar nature executed during the last five years in the format given in Form F 3.

      (iii) Any comments or suggestions of the Service Provider on the Terms of Reference (TOR) including, where the Service Provider believes this would be useful, a description of the manner in which the Service Provider would plan to execute the work.

      (iv) The Service Provider’s comments, if any, on the data, services and facilities to be provided by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) indicated in the Terms of Reference (TOR).

Service Provider will be paid a lump sum fee of Rs.743,760 all inclusive for the whole duration of the contract disbursable in equal monthly instalments.

2. The technical proposal shall be submitted in one original and two copies by courier.

Pre-Contract Negotiations

3. Selected Service Provider shall be called for a pre-contract discussion to clarify on technical issues, defined targets, performance monitoring process, work plan, comments on TOR. There shall be no negotiation on the fee. In case discussion is successful the two parties may be called upon to sign a Minutes of the Meeting which shall form part of the contract.

Performance Monitoring

4. A review committee of up to three members, to be set up by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) will review all outputs on a quarterly basis and suggest any modifications/changes considered necessary within 15 days of receipt.
Sir:

**Hiring of Individual Service Provider for Capacity building**

I, ................................................................., the individual Service Provider herewith enclose Technical Proposal for selection as Service Provider for the *Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division)* for the fixed amount of Rs. 743,760 all inclusive for the contract period of 12 months.

I undertake that in competing for the assignment and in executing the contract if the award is made to me, I will strictly abide by the Public Procurement Act 2006 of Mauritius.

Yours faithfully,

Signature: .................................................................

Full name: .................................................................

Address: .................................................................
6. Personal Data - Form F-2

PERSONAL DATA

Surname:.........................................................................................................................
(in block letters)

Other Names:....................................................................................................................
(in block letters)

Title:  Mr  [ ]    Mrs  [ ]    Miss  [ ]    Others  [ ]
(please tick appropriate box)

Maiden Name (if applicable): ..............................................................................................

Residential Address: ...........................................................................................................

National Identity Number/Passport Number

Date of Birth  [ ]  [ ]  [ ]  [ ]  [ ]  [ ]  Age  [ ]  Country and Place of Birth: ....................

Nationality ................................ Certificate No. (If Naturalised) ...................... & Date ............

If you are not a Mauritian resident or citizen, please provide the same information for spouse and
dependent children who will accompany you to Mauritius on a separate page annexed to this
application so we can obtain the necessary clearances.

Phone No. (Office) ................. Home ............... Mobile ..................... Email address ............

DEGREE/PROFESSIONAL QUALIFICATIONS

Name of University/Examining Body ................................................................. Country ..............

Duration of course/study: From ............... To ............... Part Time    Full Time    Distance
Education

  [ ]  [ ]  [ ]

Specify (i) exact qualifications obtained ........................................... Class/Division/Level ...........

  (ii) Date of result ..........................................................


MEMBERSHIP IN PROFESSIONAL BODIES

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EMPLOYMENT RECORD

Starting with the position, list in reverse order every employment held. List all positions held since graduation, giving dates, names of employing organizations, titles of positions held, and country of assignments. For experience in last ten year, also give types of activities performed and employers references, where appropriate. (Attach documentary evidence)

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OTHER INFORMATION

(a) Have you been the subject of an investigation/enquiry for any offence during the last 10 years?

Answer Yes or No. If Yes, indicate nature of offence and date of outcome.

........................................................................................................................................................................

(b) Have you ever been prosecuted before a court of law for any offence and subsequently found guilty during the last 10 years?

Answer Yes or No. If yes, give details (court, charge, date of judgment and sentence - e.g. imprisonment, fine, caution or conditional discharge) :

........................................................................................................................................................................

IMPORTANT – PLEASE READ ALL THE DOCUMENTS CAREFULLY: Incomplete, inadequate or inaccurate filling of the form may cause the applicant’s elimination from consideration. It is an offence to give false information or to conceal any relevant information. This may lead to an application being rejected or, if a candidate has already been appointed, to the termination of his contract.

DECLARATION

I, .........................................................................................................................., the applicant, declare that the particulars in this application are true and accurate and that I have not wilfully suppressed any material fact.

Date : ..............................................

Signature : ............................................
ASSIGNMENTS OF SIMILAR NATURE SUCCESSFULLY COMPLETED DURING LAST 5 YEARS

1. Outline of recent experience on assignments of similar nature:

<table>
<thead>
<tr>
<th>Name of assignment</th>
<th>Name of Project</th>
<th>Owner or Sponsoring agency</th>
<th>Duration and year(s) of assignment</th>
<th>Was assignment satisfactorily completed</th>
</tr>
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Note: Please note that successful Service Provider(s) may be asked to provide documentary proof by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division).
8. Service Contract - Annexure 3

CONTRACT No.

SERVICE CONTRACT

BETWEEN

MINISTRY OF PUBLIC INFRASTRUCTURE, NATIONAL DEVELOPMENT UNIT,
LAND TRANSPORT AND SHIPPING
(LAND TRANSPORT AND SHIPPING DIVISION)

AND

------------------------ SERVICE PROVIDER
THIS SERVICE CONTRACT entered into this [DATE], between the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) (hereinafter called the "Client") and Mr XYZ (hereinafter called the "Service Provider").

WITNESS THAT:

WHEREAS the Public Body has determined the need to procure the services described, implied or referred to in this Contract, subject to the terms and conditions hereinafter set forth;

WHEREAS the Service Provider affirms that he/she possesses the requisite experience, qualifications, capability and skill to perform the said services;

NOW THEREFORE the parties hereto have agreed as follows:

ARTICLE I - SCOPE OF SERVICES

1.1 The services to be performed by the Service Provider under this Contract (hereinafter called the "Services") are those described in the Terms of Reference attached hereto as Annexure I to the present Contract. The Terms of Reference shall form an integral part of this Contract. The milestones/deliverables to be achieved within the schedules and time limits established, as described at Annexure 4 to this present contract, shall form an integral part of this contract.

1.2 A quarterly Progress Report on the status of achievement of the milestone/deliverables is to be submitted to the Head of the Unit and should be in line with Paragraph 3.1 of Article III.

ARTICLE II - COMMENCEMENT OF SERVICES AND DURATION OF CONTRACT

2.1 The Service Provider shall commence the Services by January 2011 upon signature of the present Contract, and shall carry out the Services in a manner most suited to the requirements of the Contract and in accordance with the schedules and time limits established, under the milestones/deliverables as spelt out at Annexure 4 or indicated/amended by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) as a result of a Force Majeure and/or urgency, subject to Article VIII.

2.2 The Services shall be for 12 months, or whatever period shall be indicated by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) beginning on the date of commencement of the Services, and ending not later than 36 months.
2.3 The Service Contract may be extended for a total period **NOT exceeding 36 months**. On renewal, the duration for extension of the Service Contract may be for periods of **12 months** or as may be mutually agreed.

**ARTICLE III - DELIVERABLES OF THE SERVICE PROVIDER**

3.1 The Service Provider and any of its sub-contractor shall perform the services with all due care, diligence and efficiency, in accordance with the highest standards of professional competence, organization and responsibility, and in a manner acceptable to the Ministry.

3.2 The Service Provider shall:

(a) regularly report to, and obtain direction and guidance from the *Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division)* on all matters arising from or relating to the present Contract;

(b) promptly comply with such instructions as may be issued from time to time by the *Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division)* in connection with the performance of the services.

3.3 The Service Provider shall perform the services to the satisfaction of the *Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division)* in accordance with the Terms of Reference and/or as set out in the milestones/deliverables and/or at such intervals as the Ministry may reasonably require.

**ARTICLE IV - PAYMENT FOR THE SERVICES AND OTHER COSTS**

4.1 The *Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division)* shall pay to the Service Provider, in respect of the services, an all inclusive amount of **Rs 743,760** for the assignment.

4.2 The Contract Amount has been established, taking into consideration all the Service Provider’s costs and remuneration as well as any tax obligations under the laws of Mauritius, as applicable as well as the cost of living Index.

4.3 The Service Provider shall keep and maintain accurate and complete accounts in respect of expenditure incurred in connection with the deliverables under the present contract in such form and detail as shall be satisfactory to the *Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division)* for the purposes of making payment or settlement. The reimbursement of costs shall be limited to only such costs related to associated works that are related to the deliverables, subject to prior approval of the Ministry, being received for incurring the expenditure. The accounts shall be verified and certified by the Head of the Unit before reimbursement is made.
4.4 The Service Provider shall not be eligible for end of year bonus, gratuity or any other allowances or for any compensation in connection with the cost of living index.

ARTICLE V - CONFIDENTIALITY AND OWNERSHIP OF DOCUMENTS

5.1 All documents, statistics, reports, data and other information provided, created, obtained or made available to the Service Provider in connection with or by virtue of the present Contract, shall be treated as confidential by the Service Provider, and the Service Provider shall not be entitled to use or make copies of them for any purpose that is not related to the present Contract.

5.2 Technical know-how received in the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) during the period of assignment shall not be used for any purpose that may affect the interests of the Government.

5.3 The documents, statistics, reports and data under the preceding paragraph shall, upon the completion of Services or termination of this Contract, be promptly returned to the Ministry.

5.4 All plans, drawings, specifications, designs, reports, other documents and software submitted by the Service Provider under this Contract shall become and remain the property of the Ministry, and the Service Provider shall, not later than upon termination or expiration of this Contract, deliver all such documents to the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) together with a detailed inventory thereof.

5.5 In accordance with Section 3 of the Official Secrets Act 1972, the Service Provider shall not divulge any information gained by him/her during the course of this contract to any unauthorized person, orally or in writing, without the prior sanction in writing of the Supervising Officer of the Ministry.

A declaration on Official Secret Act should be signed by the Service Provider on commencement and termination of the contract.

5.6 The Service Provider shall be liable to penalties prescribed by the Laws of Mauritius, related to breach of confidentiality of information.

ARTICLE VI - ASSIGNMENT AND SUB-CONTRACTING

6.1 Except with the prior written consent of the Ministry, the Service Provider shall not:

(a) in whole or in part, assign, transfer or otherwise dispose of, his/her rights or obligations under the present Contract;

(b) sub-contract, or otherwise transfer responsibility for, the whole or any part of the Services.
ARTICLE VII - LIABILITY OF THE SERVICE PROVIDER

7.1 The Service Provider shall abide by, and take all measures necessary to enable him/her comply with, all laws and regulations in force in any place where the Services are to be wholly or partially performed.

The Service Provider providing services under the Capacity Building Programme is regarded as self-employed and will be subject to normal tax liability.

7.2 The Service Provider shall be fully liable for the consequences of any error or omission on his/her part or for any damage caused by negligence on his/her part in carrying out the Services or performing his/her obligations under the present Contract.

ARTICLE VIII - FORCE MAJEURE

8.1 Neither party to the present Contract shall be responsible for any delay or failure to perform his/her/its obligations under the Contract if the delay or failure is attributable to force majeure.

8.2 In the event of force majeure which delays performance of the whole or any part of the present Contract for more than sixty (60) days, either party shall have the right, by notice in writing to the other party, to terminate the Contract.

8.3 For purposes of this Article, an event of force majeure shall mean an unforeseen and unavoidable event beyond the reasonable control and contemplation of the party invoking the existence of such event.

ARTICLE IX - TERMINATION OF CONTRACT

9.1 The Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) may, upon giving not less than seven (7) days' notice in writing to the Service Provider, terminate the present Contract for cause if the Service Provider has failed to perform the Services or to comply with his/her other obligations under the contract.

9.2 The Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) may, at its option, terminate this Contract when it is in the interest of or for the convenience of the Ministry to do so, provided that the Service Provider shall in that event be given a notice of not less than fifteen (15) days of such termination.
9.3 The Service Provider may terminate the present Contract if the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) has, within a period of forty five (45) days after the due date, failed to pay any amount due to him/her in respect of which no dispute has arisen.

9.4 The parties hereto may by mutual agreement terminate this Contract.

9.5 If the present Contract is terminated under this Article, the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) shall be liable only for payment, in accordance with the payment provisions of the Contract, for the Services actually rendered prior to the effective date of termination, together with such other amounts incidental to the termination as may be reasonable in the circumstances.

**ARTICLE X - DISPUTE SETTLEMENT**

10.1 Any disputes arising out of or in connection with the present Contract shall, unless it is amicably settled, be decided upon by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) who shall transmit his decision in writing to both parties.

10.2 Any dispute between the Parties as to matters arising pursuant to this Contract which cannot be settled amicably within sixty (60) days after receipt by one Party of the other Party’s request for such amicable settlement may be submitted by either Party for arbitration under the applicable law.

**ARTICLE XI - MODIFICATION OR AMENDMENT**

11.1 Except by mutual agreement in writing between the parties, no change, modification or amendment shall be made to the present Contract.

11.2 Notwithstanding the preceding paragraph, the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) may at any time order or require changes in the scope of the Services. If such changes add to or reduce the cost of the Services, then the Contract Amount shall be adjusted accordingly.

**ARTICLE XII - EFFECTIVE DATE**

12.1 The present Contract shall enter into force on the date of its signature by both parties.

12.2 Unless terminated under Article VIII or IX above, the present Contract shall expire upon completion of the Services and the discharge of all obligations arising out of or under the Contract.
ARTICLE XIII - CHANNEL OF COMMUNICATIONS AND NOTICE

13.1 For the purposes of the present Contract, the authorized representative of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping (Land Transport and Shipping Division) shall be the Permanent Secretary or such other officer as he may designate for this purpose.

13.2 Any communication, notification, submission, notice, demand or request under the present Contract shall be deemed to have been duly transmitted if it shall have been delivered by hand, mail, or facsimile by either party to the other at the appropriate address indicated below, or at such other address as that other party may have indicated:

For the Ministry:
Mail Address: Ministry of Public Infrastructure, National Development Unit
Land Transport and Shipping (Land Transport and Shipping Division)
4th Floor, New Government Centre, Port Louis

Telephone : 201 3236
E-mail : bboyramboli@mail.gov.mu

For the Service Provider:
Mail Address:

Telephone :
E-mail :

ARTICLE XIV - GOVERNING LAW

14.1 This Contract shall be governed by, and construed in all respects in accordance with, the Laws of Mauritius.

IN WITNESS WHEREOF the parties hereto have caused the present Contract to be signed in their respective names in two original counterparts in English/French on the date first above written.

FOR THE MINISTRY OF PUBLIC PUBLIC INFRASTRUCTURE, NATIONAL DEVELOPMENT UNIT LAND TRANSPORT AND SHIPPING (Land Transport & Shipping Division) FOR THE SERVICE PROVIDER
Annexure 4

DELIVERABLE SCHEDULE

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Annexure 1 - Terms of Reference
Annexure 2 – Supplementary Information to Service Providers
Annexure 3 – Service Contract
Annexure 4 - Deliverable Schedule