

**Tender No: 20170502**  
**AGREEMENT TO TERMS AND CONDITIONS**

**TENDER FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF ONE HUNDRED AND FORTY-SEVEN (147) UNITS OF HAEMODIALYSIS MACHINES TO NKF**

Please indicate clearly below your agreement to each clause of the Terms and Conditions. Where you are not in agreement, you should give your counter-proposal in the "Remarks" column or in a separate sheet to be attached to this form. Where you fail to expressly indicate disagreement against any clause, it shall be deemed that you agree to the same and the Tender shall be evaluated accordingly.

Title of Document: **Conditions of Contract**

S/N	Heading of Clause	Please tick to confirm having read and agreed to the same	Remarks
1	Definitions		
2	Scope of Contract		
3	Supply and Delivery of Goods		
4	Delay in Delivery or Performance		
5	Alteration of Specifications And Samples		
6	Title and Risk		
7	Contract Price		
8	Payment		
9	Security Deposit		
10	Compliance with Law, Rules and Regulations		
11	Purchasing Goods Elsewhere When Quantities Are Not Specified		
12	Purchase Orders		
13	Indemnity		
14	Remedies For Intellectual Property Infringement		
15	Insurance		
16	Warranty		
17	Additional Terms and Conditions		
18	Suspension or Termination		
19	Force Majeure		
20	Confidentiality		
21	Variation of Contract		
22	Dispute Resolution		
23	Assignment and Subcontracting		
24	Employees of Contractor		
25	Waiver		
26	Reliance Clause		
27	Insolvency		
28	Notices		
29	Entire Agreement		
30	Severability		
31	Reasonableness		
32	Language		
33	Survival Clause		
34	Independent Contractor / No Partnership		
35	Joint And Severable Liability		
36	No Third Party Beneficiaries		
37	Use of Name		
38	Governing Law		
39	Execution In Counterparts		

Title of Document: **Conditions of Tender**

S/N	Heading of Clause	Please tick to confirm having read and agreed to the same	Remarks
1	Definitions		
2	General Requirements		
3	Partial and Conditional Tender Bids		
4	Delivery of Tender Bids		
5	Validity Periods		
6	Evaluation of Tender Bids		
7	Acceptance of Tender Bid		
8	No Return of Tender Bid		
9	Price Quotations		
10	Modification by NKF		
11	Cost of Tender Bid		
12	Confidentiality		
13	Tender Documents		
14	NKF's Warranties and Disclaimers		

Title of Document: **Schedule – Additional Terms And Conditions**

S/N	Heading of Clause	Please tick to confirm having read and agreed to the same	Remarks
1	Training Programmes		
2	Conditions and requirement for comprehensive maintenance		
3	Service Level for normal machines during warranty period		

Title of Document: **Requirement Specifications**

S/N	Heading of Clause	Please tick to confirm having read and agreed to the same	Remarks
1.	Paragraph 2 - Product Specification		
2.	Paragraph 3 - Quantity Requirement and Delivery Schedule		
3.	Paragraph 4 - Submission of Tender Bids		

Title of Document: **Specimen of Banker's Guarantee, Performance Bond and Performance Guarantee**

S/N	Name of Document	Please tick to confirm having read and agreed to the same	Remarks
1	Specimen of Banker's Guarantee – <b>Annex A</b>		
2	Specimen of Performance Bond – <b>Annex B</b>		
3	Specimen of Performance Guarantee – <b>Annex C</b>		

Tenderer's name: \_\_\_\_\_

Tenderer's stamp : \_\_\_\_\_