



Rural Electrification and Renewable Energy Corporation

Ground Floor,
Kawi House South C
P.O. 34585 – 00100
NAIROBI, KENYA

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REQUEST FOR QUOTATION FOR PURCHASE SUPPLY, DELIVERY AND INSTALLATION OF BULBS

RFX NO. 1000000760

REQUEST FOR QUOTATIONS (RFQ)

To:

No.	Name of Company	No.	Name of Company
1.	Aks East Africa Ltd	6.	Bashku General Supplies
2.	Beams Construction & Supplies	7.	Elemech Engineering
3.	Lane Seven enterprises	8.	Energy Boundless Ltd
4.	Bichum Engineering	9.	Delutide Limited
5.	BRB Engineering	10.	Frejed Engineering Services

From: Rural Electrification & Renewable Energy Corporation
Kawi House South C Ground Floor,
P.O. 34585 – 00100
NAIROBI, KENYA

RFX NO.1000000760

1. The **Rural Electrification & Renewable Energy Corporation** invites you to submit a quotation for Bulbs indicated in detail in “Table A. Schedule of Requirements and Specifications”. The quotation shall follow the instructions and documents in this RFQ document and shall be in English Language. Tenderers may obtain further information during **office hours** between **8:00am to 5:00pm** at the address given above
2. Quotation shall be submitted in accordance with the instruction. The quotation is to be saved as PDF document marked with the Tender Number and Description and submitted through the REREC E-Procurement Web Portal found on the REREC website (www.rerec.co.ke) so as to be received on or before **14th January, 2022**.
3. Enquiries regarding this quotation may be addressed to the procurement office via tenders@rerec.co.ke email.
4. Any resulting contract shall be subject to the terms and conditions detailed in Part 3: Contract.
5. Please inform by email the undersigned within **two (2) days** of receipt of this RFQ if you will not be submitting a quotation.

Address for Submission of Quotations.

Rural Electrification & Renewable Energy Corporation
Kawi House South C Ground Floor,
P.O. 34585 – 00100
NAIROBI, KENYA
e-mail: tenders@rerec.co.ke

PETER K. MBUGUA,
CHIEF EXECUTIVE OFFICER

PART 1: INSTRUCTIONS TO TENDERERS

1. **Tenderers are advised to read carefully** these instructions and the Conditions of Contract in Part 3: Contract, before preparing the quotation. The standard forms in this RFQ may be photocopied for completion but the Tenderer is responsible for their accurate reproduction. The term Tenderer shall mean the firm or person invited to submit a quotation. The term Quotation herein shall mean the quotation submitted as usually understood in public procurement.
2. **Validity of Quotations:** The quotation will be held valid for **Ninety One (91) days** from the date of submission.
3. **The Quotation shall consist of** completed Tables A & B and the Form of Quotation all indicated in Part 2 of this Request for Quotations, and documents to evidence Eligibility and Conformity to Technical Specifications.
4. **Sealing and Marking of Quotations:** The quotations are to be saved as PDF documents marked with the Tender Number and Description and submitted through the REREC E-Procurement Web Portal found on the REREC website (www.rea.co.ke) so as to be received on or before the dates in the schedule above.
5. **Submission of Quotations:** Quotations, and any alternatives if allowed as per Item 11 below, should be submitted to the address below, on or before the date and time indicated in sub-item 4 below. Late quotations will be rejected.

Address for Submission of Quotations.

The quotations are to be saved as PDF documents marked with the Tender Number and Description and submitted through the REREC E-Procurement Web Portal found on the REREC website (www.rea.co.ke) so as to be received on or before the dates in the schedule above

Date of Submission: 14th January, 2022

Time of Submission: 10:00 am (Kenya time).

6. **Opening of Quotations:** Quotations will be opened immediately after the closing date and time specified in item 5 (4) above, by at least three appointed officials of the Procuring Entity.
7. **Tenderer Eligibility:** Tenderer must submit Documentary evidence to show His/her eligibility to be awarded a contract to cover each of the following: (i) Copy of a valid trading license (ii) Copy of Company or Firm's Registration Certificate (iii) valid tax compliance certificate. (iv) KRA PIN with VAT Obligation (v) Copy of CR12. The Tenderer shall also complete attached forms to confirm eligibility and non-existence of a conflict of interest in relation to this procurement requirement by signing the attached Forms.
8. **Invitation not transferable:** This invitation is not transferable to other firms or individuals not so invited.
9. **Goods Eligibility:** Tenderer must submit samples for approval by the user prior to delivery
10. **Technical Specifications:** Fill in the table of requirements/specifications to show that the goods meet the technical specifications.

11. **Alternative Quotations:** Tenderers **are not permitted** to submit alternative quotations for goods/alternative technical solutions for specified parts of the Works or Services. Only the alternatives, if any, of the Tenderer with the winning quotation conforming to the basic technical requirements shall be considered by the Procuring Entity.
12. **Currency:** Quotations shall be priced in Kenya Shillings. Quotations in other currencies will be rejected if not allowed.

The Procuring Entity **shall not allow** quotations in foreign currency.
13. **Evaluation of Quotations:** The evaluation of quotations will be conducted using the procedure set out below:
 - i) Bidder documents/Attachments have been submitted in the Collaboration folder of the SAP SRM System. Bidders shall not attach their documents at any other Tab of the Portal. Attachments placed elsewhere in the portal shall be declared non-responsive and the attachments shall not be evaluated.
 - ii) Confirmation that the bidder's prices appear during tender opening. The entered prices in the Items Tab of the SRM Portal must be same as the prices in the Tender form/price schedules and the same prices are read out during opening. (award shall be based on the read out prices)
 - iii) Valid AGPO Certificate – Youth, Women and PWD Category and directors' copies of identity cards.
 - iv) Preliminary examination to determine Tenderer eligibility: (a) Copy of a valid trading license (b) Copy of Company or Firm's Registration Certificate (c.) valid tax compliance certificate. (d) KRA PIN with VAT Obligation (e) Copy of CR12 not more than 6 months old
 - v) Confirmation that all forms are duly filled, stamped and signed by the bidder
 - vi) Confirmation of submission of VAT Inclusive prices in Kenya Shillings as per the schedule of requirements.
14. **Lowest Evaluated Quotation:** The quotation shall be awarded at the negotiated price.
15. **Award of contract:** Award of contract shall be by placement of a Letter of Acceptance or Local Purchase Order in accordance with Part 3: Contract. The currency of award and payment shall be currency in which the quotation was submitted.
16. **Right to Reject:** The Procuring Entity reserves the right to accept or reject any quotation or to cancel the quotation process and reject all quotations at any time prior to contract award.

QUOTATION AND QUALIFICATION DOCUMENTS

INSTRUCTIONS TO TENDERER.

Tenderer must complete and submit as part of the Form of quotation. All forms must be signed and stamped

- (i) Schedule of requirements table
- (ii) Form for disclosure of interest
- (iii) Certificate of independent quotation determination
- (iv) Self-declaration form

FORM OF QUOTATION [To be completed by Tenderer]

Quotation Addressed to (<i>Procuring Entity</i>)	
Date of Quotation	
Quotation Reference Number:	
Subject of Quotation	

1. We have examined and have no reservations to the Request for Quotation document, and understand its full content and intent.
2. In compliance with your request for quotations dated _____, referenced above, we offer to _____ (*specify one of supply goods, complete the works or provide the services*) to cover and conform to our pricing listed in the attached in Table B. Quotation Submission TABLE at a total price of Kenya Shillings _____ (in words)
3. We confirm that we are eligible to participate in public procurement and meet the eligibility criteria specified in Part 1: INSTRUCTIONS TO TENDERERS.
4. We also confirm that the *goods to be supplied and services to be provided* conform to the schedule of requirements table below and in conformity with technical specifications listed in PART 2: SCHEDULE OF REQUIREMENTS of this RFQ Document.
5. We undertake to adhere by the Code of Ethical Conduct for Suppliers, Contractors and Service Providers, copy available from the **PPRA website** during the procurement process and the execution of any resulting contract.
6. We confirm that the prices quoted are fixed and firm for the duration of the validity period and performance of the contract and will not be subject to revision or variation.
7. The validity period of our quotation is: _____ days from the time and date of the submission deadline (*number to be same as in the instructions to Tenderers*).

8. We confirm we are not submitting any other Quotation as an individual or firm, and we are not participating in any other Quotation as a Joint Venture member or as a subcontractor.
9. We, along with any of our subcontractors, suppliers, Engineer, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to a temporary suspension or a debarment imposed by the Public Procurement Regulatory Authority or any other entity of the Government of Kenya, or any international organization.
10. We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf engages in any type of Fraud and Corruption.
11. We hereby certify and confirm that the Quotation is genuine, non-collusive and made with the intention of accepting the contract if awarded. To this effect we have signed the “Certificate of Independent Quotation Determination” attached below.
12. We, the Tenderer, have completed fully and signed the **FORM FOR DISCLOSURE OF INTEREST**- interest of the firm in the Procuring Entity, attached below.

The Delivery/Completion period offered is: _____ days from date of acceptance of Quotation.

Quotation Authorized by:

Name and designation _____

Signature: _____

NOTE

Required tender validity is 91 days

SCHEDULE OF REQUIREMENTS

NO	ITEM	QUANTITY PCS	REGIONS
1	Energy Saver Bulbs (pin type,18w 240v)	25	NAKURU
	Power Extension Cables (POWER MAX, 5 PORT)	5	
2	Energy saver (pin type,18w 240v)	15	KISUMU/AWASI
	4 Feet led florescent tubes (18W, WHITE LIGHT, 240V)	10	
	Extension Cables (POWER MAX 5 PORT)	8	
	Flood lights 100w (LED 100W,240V)	3	
2	4 Feet led florescent tubes (LED,18W, 240V)	14	MARIAKANI
	EXTENSION CABLES (POWER MAX 5 PORT)	8	
3	Energy server bulbs (pin type,18w 240v)	60	MOMBASA ROAD
	2 feet led florescent tubes (LED,18W, 240V)	25	
	4feet led florescent tubes (LED,18W, 240V)	5	
	Extension Cables (POWER MAX 5 PORT)	15	
	Lamp holders (PIN TYPE,)	20	
4	4 feet led florescent tube (LED,18W, 240V)	18	NYERI
	Extension Cable (POWER MAX 5 PORT)	4	
5	5 feet led florescent tubes (LED,18W, 240V)	40	ELDORET
	Lamp holders (pin type)	20	
	Extension Cables (POWER MAX 5 PORT)	5	
	Energy saver (pin type,18w 240v)	20	
6	Down lighter 7w (dura white 7 led)	35	
	Energy saver bulbs (pin type,18w 240v)	74	KAWI(HQ)

NO	ITEM	QUANTITY PCS	REGIONS
	Down lighter 3w (dura white 3led)	10	
	4 feet Florescent LED tubes (pin type,18w 240v)	18	
	2 feet led florescent tubes (pin type,18w 240v)	1176	
	2D 2 pin 16w 6400k florescent	100	

Signature of the authorized person:

Name of authorized person:

Position:

Authorized for and on behalf of.....(*specify name of tenderer*)

Date:

And seal/Stamp

i) **FORM FOR DISCLOSURE OF INTEREST** - Interest of the Firm in the Procuring Entity.

i) Are there any person/persons in **Rural Electrification & Renewable Energy Corporation** who has/have an interest or relationship in this firm? Yes/No.....

If yes, provide details as follows.

	Names of Person	Designation in the Procuring Entity	Interest or Relationship with Tenderer
1			
2			
3			

i) Conflict of interest disclosure

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
1	Tenderer is directly or indirectly controls, is controlled by or is under common control with another tenderer.		
2	Tenderer receives or has received any direct or indirect subsidy from another tenderer.		
3	Tenderer has the same legal representative as another tenderer		
4	Quotation has a relationship with another tenderer, directly or through common third parties, that puts it in a position to influence the quotation of another tenderer, or influence the decisions of the Procuring Entity regarding this quotation process.		
5	Any of the Tenderer's affiliates participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of the quotation.		
6	Tenderer would be providing goods, works, non-consulting services or consulting services during implementation of the contract specified in this Quotation Document.		
7	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity who are directly or indirectly involved in the preparation of the Quotation document or specifications of the Contract, and/or the Quotation evaluation process of such contract.		
8	Tenderer has a close business or family relationship with a professional staff of the Procuring Entity		

	Type of Conflict	Disclosure YES OR NO	If YES provide details of the relationship with Tenderer
	who would be involved in the implementation or supervision of the Contract.		
9	Has the conflict stemming from such relationship stated in item 7 and 8 above been resolved in a manner acceptable to the Procuring Entity throughout the quotation process and execution of the Contract?		

i) Certification

On behalf of the Tenderer, I certify that the information given above is complete, current and accurate as at the date of submission.

Full Name _____ Title or Designation _____

(Signature)

(Date)

i) CERTIFICATE OF INDEPENDENT QUOTATION DETERMINATION

I, the undersigned, in submitting the accompanying Letter of quotation to the _____ *[Name of Procuring Entity]*
for: _____ *[Name and number of quotation]*

in response to the request for tenders made by: _____
[Name of Tenderer] do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of _____ *[Name of Tenderer]* that:

1. I have read and I understand the contents of this Certificate;
2. I understand that the Tenderer will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am the authorized representative of the Tenderer with authority to sign this Certificate, and to submit the quotation on behalf of the Tenderer;
4. For the purposes of this Certificate and the quotation, I understand that the word “competitor” shall include any individual or organization, other than the Tenderer, whether or not affiliated with the Tenderer, who:
 - a) has been requested to submit a quotation in response to this request for quotations;
 - b) could potentially submit a quotation in response to this request for quotations based on their qualifications, abilities or experience;
5. The Tenderer discloses that **[check one of the following, as applicable]:**
 - a) The Tenderer has arrived at the quotation independently from, and without consultation, communication, agreement or arrangement with, any competitor;
 - b) the Tenderer has entered into consultations, communications, agreements or arrangements with one or more competitors regarding this request for quotations, and the Tenderer discloses, in the attached document(s), complete details thereof, including the names of the competitors and the nature of, and reasons for, such consultations, communications, agreements or arrangements;
6. In particular, without limiting the generality of paragraphs (5)(a) or (5)(b) above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - a) prices;
 - b) methods, factors or formulas used to calculate prices;
 - c) the intention or decision to submit, or not to submit, a quotation; or
 - d) the submission of a quotation which does not meet the specifications of the request for quotations; except as specifically disclosed pursuant to paragraph (5) (b) above;
7. In addition, there has been no consultation, communication, agreement or arrangement with any competitor regarding the quality, quantity, specifications or delivery particulars of the

works or services to which this request for tenders relates, except as specifically authorized by the procuring authority or as specifically disclosed pursuant to paragraph (5)(b) above;

8. the terms of the quotation have not been, and will not be, knowingly disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the official quotation opening, or of the awarding of the Contract, whichever comes first, unless otherwise required by law or as specifically disclosed pursuant to paragraph (5)(b) above.

Name

Title

Date

[Name, title and signature of authorized agent of Tenderer and Date]

SELF-DECLARATION FORM

We, the Tenderer.....(insert name) submitting our Quotation in respect of Quotation No.....for..... (insert quotation Title Description) for (insert Name of Procuring Entity)

DECLARE AS FOLLOWS:

That, We the Tenderer including any entity or individual that directly or indirectly controls, is controlled by or is under common control with us, and any subcontractors, suppliers, project managers, consultants, manufacturers, service providers, agents, individuals, or any other party involved or to be involved for any part of the processes of procurement and contract execution related to the above quotation:

- a) Have not engaged/will not engage in any corrupt or fraudulent practices in the processes of procurement and contract execution related to the above quotation as defined and/or described in the following:
 - i) the RFQ for the above Quotation;
 - ii) Kenya's Public Procurement and Asset Disposal Act, 2015) and its attendant Regulations;
 - iii) Kenya's Anti-Corruption and Economic Crimes Act, 2013; and
 - iv) any such other Acts or Regulations of Government of Kenya;
- b) Have not offered/will not offer any inducement to any member of the board, management, staff and/or employees and/or agents of (name of the procuring entity);
- c) Have not engaged/will not engage in any collusive or corrosive practice with other tenderers participating in the subject quotation;
- d) Have not been sanctioned or debarred by any entity from participation in public procurement proceedings of Kenya.

That, what is deponed to herein above is true to the best of our knowledge, information and belief. **Name of the person duly authorized to sign the quotation on behalf of the Tenderer:** [Insert complete name of person duly authorized to sign the quotation]

Title of the person signing the Quotation: [Insert complete title of the person signing the quotation]

Signature of the person named above: [Insert signature of person whose name and capacity are shown above]

SCOPE OF SERVICE

The Corporation's main mandate is to promote renewable energy and accelerate rural electrification throughout the country in order to provide electricity to all Kenyans as well as contribute towards sustainable socio-economic development of the country in the attainment of Vision 2030 and Big 4 agenda. The Corporation has its Head Office at KAWI House South C behind Boma hotel offices.

The corporation is sourcing for supply, delivery and installation of bulbs from eligible suppliers registered with us, and is aiming to enter in to a supply contract with successful bidders.

PRICE SCHEDULE

1. Price Schedule for Bulbs

NO	Item	QUANTITY PCS	UNIT PRICE KSH	TOTAL PRICE KSH
1	Energy Saver Bulbs (Pin Type,18w 240v)	25		
	Power Extension Cables (Power Max, 5 Port)	5		
2	Energy Saver (Pin Type,18w 240v)	15		
	4 Feet Led Florescent Tubes (18W, White Light, 240V)	10		
	Extension Cables (Power Max 5 Port)	8		
	Flood Lights 100w (LED 100W,240V)	3		
2	4 Feet Led Florescent Tubes (LED,18W, 240V)	14		
	Extension Cables (Power Max 5 Port)	8		
3	Energy Server Bulbs (Pin Type,18w 240v)	60		
	2 Feet Led Florescent Tubes (Led,18w, 240v)	25		
	4feet Led Florescent Tubes (Led,18w, 240v)	5		
	Extension Cables (Power Max 5 Port)	15		
	Lamp Holders (PIN TYPE,)	20		
4	4 Feet Led Florescent Tube (Led,18w, 240v)	18		
	Extension Cable (Power Max 5 Port)	4		
5	5 Feet Led Florescent Tubes (Led,18w, 240v)	40		
	Lamp Holders (Pin Type)	20		
	Extension Cables (Power Max 5 Port)	5		
	Energy Saver (Pin Type,18w 240v)	20		
6	Down Lighter 7w (Dura White 7 Led)	35		

NO	Item	QUANTITY PCS	UNIT PRICE KSH	TOTAL PRICE KSH
	Energy Saver Bulbs (Pin Type,18w 240v)	74		
	Down Lighter 3w (Dura White 3led)	10		
	4 Feet Florescent LED Tubes (Pin Type,18w 240v)	18		
	2 Feet Led Florescent Tubes (Pin Type,18w 240v)	1176		
	2D 2 Pin 16w 6400k Florescent	100		
Total Quote Vat inclusive for supply of all bulbs (To be entered in the items tab)				

2. Price Schedule for Installations of all bulbs

No.	Nature of Work	UoM	Unit price	Total Price Kshs.
<u>1</u>	Installation of all Bulbs supplied (in all regions)	Lump sum	Do not fill here	
Total quote for installations to enter in the items tab in the portal				

3. Price Schedule for Installations and defects corrections if any

No.	Nature of Work	UoM	Unit price	Total Price Kshs.
<u>1</u>	Defects correction for bulb holder (if faulty) in all regions	Per Bulb holder		Do not fill here

Signature of the authorized person:

Name of authorized person:_____

Position:_____

Authorized for and on behalf of _____ (specify name
of tenderer)

Date:

And seal/Stamp

NOTE

Only prices in the price schedule 1 and 2 to be entered in the items tab in the portal.

PART 3: CONTRACT

CONTRACT AGREEMENT

(1) THIS CONTRACT AGREEMENT is made _____ (*specify date*).

Between _____

[*Insert complete name of Procuring Entity*], and having its principal place of Business at

_____ and
[*Insert address of Procuring Entity*]

_____ and having its principal place of business at

_____ [*Insert address of Supplier, contractor or service provider*].

(2) WHEREAS the Procuring Entity invited quotations for the Supply of Goods/works/services (*select one*) described in Table B, i.e. _____ [*insert brief description of Goods, works and Services*] and has accepted a Quotation by the Tenderer in the sum of _____ [*insert Contract Price in words and figures*] (hereinafter called “the Contract Price”).

(3) NOW THIS AGREEMENT WITNESSED AS FOLLOWS:

1. This Contract Agreement includes the following documents:

- (a) Table A. SCHEDULE OF REQUIREMENTS AND TECHNICAL SPECIFICATIONS
- (b) Table B. QUOTATION SUBMISSION TABLE
- (c) FORM OF QUOTATION
- (d) Conditions of Contract

2. In consideration of the payments to be made by the Procuring Entity to the *Supplier/contractor/service provider* as hereinafter mentioned, the *Supplier/contractor/service provider* hereby covenants with the Procuring Entity to provide the Goods/works/services and to remedy defects therein in conformity in all respects with the provisions of the Contract.

3. The Procuring Entity hereby covenants to pay the Supplier/Contractor/service provider (*select one*) in consideration of the provision of the Goods/works/services (*select one*) and the remedying of defects therein, the Contract Price or such other sum as may become payable under the provisions of the Contract at the times and in the manner prescribed by the Contract.

(4) In WITNESS whereof the parties hereto have caused this Agreement to be executed in accordance with the laws of Kenya.

For and on behalf of the Procuring Entity

Signed: *[insert signature]*
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 Supplier/Contractor/Service Provider *(select one)*

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

CONDITIONS OF CONTRACT

1. Language

The Contract as well as all correspondence and documents relating to the Contract exchanged by the Supplier/Contractor/Service Provider *(select one)* Provider and the Procuring Entity, shall be written in the English Language.

2. Eligibility

The goods shall have the nationality of an eligible country. All Goods and Related Services to be supplied under the Contract shall have their origin in Eligible Countries.

3. Notices

Any notice given by one party to the other pursuant to the Contract shall be in writing.

4. Governing Law

The Contract shall be governed by and interpreted in accordance with the Laws of Kenya, unless otherwise specified hereunder.

5. Settlement of Disputes

The Procuring Entity and the Supplier/Contractor/Service *(select one)* shall make every effort to resolve amicably by direct informal negotiation any disagreement or dispute arising between them under or in connection with the Contract. If the parties have failed to resolve their dispute or difference by such mutual consultation, either the Procuring Entity or the Supplier/Contractor/Service *(select one)* may give notice to the other party of its intention to commence arbitration. The dispute shall be referred to adjudication or arbitration in accordance with the laws of Kenya.

6. Supplier/Contractor/Service Provider Responsibilities

The Supplier/Contractor/Service Provider (*select one*) shall supply all the Goods included in the Schedule of Requirements.

7. Contract Price

Prices charged by the Supplier/Contractor/Service Provider (*select one*) under the Contract shall not vary from the prices quoted by the Supplier/Contractor/Service Provider (*select one*) in its quotation.

8. Terms of Payment

The Contract Price shall be paid One hundred (100) percent of the Contract Price as follows (*select one*):

- (i) For Goods, price of goods received upon submission of a claim/invoice supported by the acceptance certificate issued by the Procuring Entity.
- (ii) For Works, upon valuation by the Contractor of the portion of the works completed, such valuation to be accepted by the Procuring Entity, payments up to final completion certificate.
- (iii) For Services, upon valuation by the Service Provider of the services completed, such valuation to be accepted by the Procuring Entity, payments up to final completion certificate

9. Inspections and Tests

The Supplier/Contractor/Service Provider (*select one*) shall at its own expense and at no cost to the Procuring Entity carry out all such tests and/or inspections of the Goods, works or Services to confirm their conformity to technical specifications.

10. Warranty

The Supplier warrants that all the Goods are new, unused, and of the most recent or current models, and that they incorporate all recent improvements in design and materials, unless provided otherwise in the contract.