



SERVICE CONTRACT NO CIG 849278865D

ADDENDUM N. 2

AID 11758 “CLUSTER FUND FOR TECHNICAL ASSISTANCE - MYANMAR”
CAP 2171 – BUDGET YEAR 2021 “FUNZIONAMENTO”
AID 11121 “COORDINATION AND PROJECTS IMPLEMENTATION FUND - VIETNAM”

CONSIDERING the substantial variation of the external conditions, in particular the Myanmar political context deriving from the events of 1st February 2021 and subsequent effects on the Myanmar bank system, which is affecting the afore mentioned contract;

CONSIDERING that, since February 1st, International Bank Transfers are not allowed, and Bank Institutions announced that such transfers will not be allowed until further notice. At present, there is no evidence that International Bank Transfers will be resumed soon;

CONSIDERING the challenges that WINCOM is facing in order to comply with the Contract terms and conditions, due to the impossibility to execute International Bank Transfers, in particular contractual payments due in Italy and in Vietnam, for reasons not attributable to the Service provider;

CONSIDERING that WINCOM has promptly notified to AICS Yangon such difficulties, asking for support;

CONSIDERING the need to guarantee that the outsourcing staff on duty in Vietnam is correctly insured and monthly salaries are duly and timely paid;

Italian Agency for Development Cooperation – AICS Yangon
41-27, Inya Myaing, Shwe Taung Gone, Bahan Township, Yangon
Tel: +95 1 7538730, +95 1 7538732
(‘the contracting authority’),

of the one part,

and

Wincom Workforce Solutions Co. Ltd
Main registration no. 102426169
No. 43/44, MMM Building, Strand Road, Ahlone Township, Yangon, Myanmar
VAT number A KHA/740(2020-2021)

(‘the contractor’)

of the other part,

have agreed as follows:

The following provisions of contract **Service of outsourcing of staff for AICS Yangon (Yangon and Hanoi Office) in Myanmar and in Vietnam** concluded between the contracting authority and the contractor on 23-12-2020 and amended by the parties with Amendment n. 1 on 24-12-2020 (the 'contract' - prot. I.0017890.28-12-2020) are hereby replaced/completed as follows:

SPECIAL CONDITIONS

Art. 29: Payment and interest on late payment

29.1 Payments shall be made in accordance with the following the option:

Option 2: Global Price Contract

Description	Total price (lump sum) [Euro]
AID 11758 - MYANMAR - N. 1 Junior Finance and Logistics Assistant: - N. 1 Junior Executive Assistant	19.494 TOTAL AMOUNT OF THE ECONOMIC OFFER ANNEX V.A
CAP 2171 – MYANMAR - N. 1 Cleaner – Supervisor - N. 1 Cleaner - N. 3 Maintenance worker	23.258 TOTAL AMOUNT OF THE ECONOMIC OFFER ANNEX V.B
AID 11121 – VIETNAM - N. 1 – Government Liaison Officer - N. 1- Driver Logistician - N. 1- Administrative-Accounting Assistant - N.1 – Programme Officer	73.580 TOTAL AMOUNT OF THE ECONOMIC OFFER ANNEX V.C

- 10% on the total value of the contract pre-financing is foreseen at signature of the contract, upon submission of pre-financing guarantee by the Contractor.
- The actual amounts payable after the pre-financing payment will vary. They will be based on the contractor's invoice.
 The actual amounts payable shall be based on the contractor's invoice accompanied by relevant documents showing the gross cost and detailing the net salary paid to the outsourced staff, taxes, insurances, medical checkup and the relevant management fee. An invoice shall be done each month for each initiative (AID 11758, CAP 2171, AID 11121). Each invoice shall be dated, stamped and signed by the Service Provider and expressed in Euro currency only. Relevant evidences of payments (net salary bank transfers to the outsourced staff, taxes and social insurance payment etc.) related to the submitted invoice must be attached.

Submitted invoices are subject to approval of the reports in accordance with Article 27 of the general conditions.

- 10% on the total value of the contract pre-financing will be deducted from the last due payment(s).

29.3 By derogation from Article 29.3 of the general conditions, once the deadline set in Article 29.1 has expired, the contractor shall, upon demand, be entitled to late-payment interest at the rate and for the period mentioned in the general conditions. The demand must be submitted within two months of receiving late payment

29.5 Payments shall be made in Euro in accordance with Articles 20.6 and 29.4 of the general conditions into the bank account notified by the contractor to the contracting authority.

Nevertheless, during the period when International Bank Transfers from/to Myanmar will be not allowed from Myanmar and International Bank Institutions, due to the political crisis deriving from the events of 1st of February 2021:

- the contractor shall, upon formal demand to the contracting authority justified by the external situation, be entitled for payment of the specific invoice AID 11121 to the bank account of its partner Adecco Vietnam Joint Stock Company “ADECCO”. ADECCO updated Financial Identification Form shall be added to the present Addendum.
- The contract shall, upon formal demand to the contracting authority justified by the external situation, request AICS Yangon to perform directly payments in Italy on its behalf in the framework of the present contract, namely to the insurer SISCOS for the insurance policies subscribed for the Italian outsourced staff and monthly salaries of such staff. WINCOM shall formally request AICSY to perform such payments detailing: amount to be paid, name and bank account number of the beneficiary, description of the payment. Payments performed by AICSY on behalf of WINCOM will be deducted from the relevant invoice.

All other terms and conditions of the contract remain unchanged. This addendum shall form an integral part of the contract and it shall enter into force on the later date of signature by the parties.

Done in English in two originals, and one original being for the contractor.

For the contractor

Name: Mr. Kshitij Chaudhary

Title: Director

Signature

For the contracting authority

Name: Walter Zucconi

Title: Head of Office – AICS Yangon

Signature

Date 09 March 2021

Date: 08 March 2021



