

DATED 22ND FEBRUARY 2021



SUPPLEMENTAL AGREEMENT

BETWEEN

MALAYSIA PRODUCTIVITY CORPORATION

AND

TUV SUD MALAYSIA SDN BHD

ON

**THE IMPLEMENTATION OF INDUSTRY4WRD READINESS ASSESSMENT
PROGRAM**

THIS SUPPLEMENTAL AGREEMENT is made on 22nd February 2021



BETWEEN

MALAYSIA PRODUCTIVITY CORPORATION a statutory body established under the Malaysia Productivity Corporation (Incorporated) Act 1966, whose registered address is at Lorong Produktiviti, Off Jalan Sultan, 46200 Petaling Jaya, Selangor Darul Ehsan (hereinafter referred to as **"MPC"**) of the first part.

AND

TUV SUD MALAYSIA SDN. BHD. (Registration No. 631091-T) a company incorporated under the Companies Act 2016 and having its principal office at No. 18, Jalan Astaka U8/82, Bukit Jelutong, 40150 Shah Alam, Selangor Darul Ehsan (hereinafter referred to as **"CONSULTANT"**) of the other part;

(MPC and CONSULTANT are hereinafter collectively referred to as **"Parties"** and **"Party"** refers to any one of them, as the context may require)

WHEREAS:

- A. By an agreement dated 12 December 2019 (hereinafter referred to as **"the Principal Agreement"**) entered into between MPC and **TUV SUD MALAYSIA SDN BHD**, MPC agreed to appoint **TUV SUD MALAYSIA SDN BHD** as an assessment body for the implementation of Readiness Assessment Program (RA) of Industry4WRD 2020 to the Small and Medium Enterprises (**"SMEs"**) (as defined in the Principal Agreement) subject to the terms and conditions of the Principal Agreement.
- B. Pursuant to MPC's request to extend the agreement period for the Assessing Bodies (AB), the Ministry of Finance (MoF) has agreed to extend the Contract Period of the AB for an additional 12 months; from 1st January 2021 to 31st December 2021. (refer to attachment in Appendix E)
- C. In this regard, the Parties hereto have now agreed to vary the terms and conditions of the Principal Agreement upon the terms and conditions appearing in this Supplemental Agreement (hereinafter referred to as the **"Supplemental Agreement"**).

NOW, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. INTERPRETATIONS

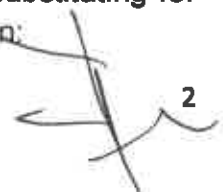
- 1.1 Save herein and subject to the foregoing provisions and amendment made therein, all the provisions of the Principal Agreement shall remain in full force, enforceable and effect between the Parties and this Supplemental Agreement shall be a supplemental to and be read and construed as an integral part of the Principal Agreement.
- 1.2 Except where the context herein requires otherwise, the words and expressions as defined in the Principal Agreement and rules of interpretation set out therein shall bear the same meaning and effect when used in this Supplemental Agreement.
- 1.3 In the event of any inconsistency, contradiction or conflict between this Supplemental Agreement and the Principal Agreement, the provisions of this Supplemental Agreement shall prevail to the extent of such inconsistency, contradiction, or conflict.
- 1.4 The Principal Agreement and this Supplemental Agreement constitute the entire agreement and understanding of the Parties made thereto with respect to the subject matter hereof and supersede all prior agreements, understandings, inducements, representations or arrangements between the Parties, whether express or implied, oral or in writing.
- 1.5 The Parties hereby executing this Supplemental Agreement shall be without prejudice to whatever rights and remedies of the Parties might have acquired under the Principal Agreement and nothing herein shall be construed as to mean a waiver by the Parties of any such rights or remedies.

2. EFFECTIVE DATE

This Supplemental Agreement shall be deemed to have come into force on the signing date of this Supplemental Agreement.

3. AMENDMENT OF COVER PAGE

The covering page of the Principal Agreement is amended by substituting for the description on Agreement Period with the following description:

A handwritten signature, possibly "J. Smith", is written over the number "2".

"AGREEMENT PERIOD : Date of Appointment Letter 1st April 2020 until 31st December 2021"

4. AMENDMENT OF CLAUSE 3

The Principal Agreement is amended by substituting for Clause 3 the following Clause:

3. CONTRACT PERIOD

For the purposes of this Agreement, the commencement date for the provision of the Services shall be on 1 April 2020 (the "Commencement Date") and shall continue for a period of twenty one (21) months until 31 December 2021 or any mutually agreed extension thereof (hereinafter referred to as the "Contract Period").

5. AMENDMENT OF APPENDICES

The Principal Agreement is amended –

- (a) by inserting additional information on "APPENDIX B" which is appended herewith and marked as Annexure 1 of this Supplemental Agreement;
- (b) by adding an additional Supporting Document from MoF on "APPENDIX E" which is appended herewith and marked as Annexure 2 of this Supplemental Agreement;

[END OF CLAUSES]



IN WITNESS WHEREOF the Parties have executed this Supplemental Agreement by their respective duly authorised representatives as follows on the date first written above:

SIGNED BY

For and on behalf of

MALAYSIA PRODUCTIVITY CORPORATION

)
)
)
)
) DATO' ABDUL LATIF HJ. ABU SEMAN
) DIRECTOR GENERAL
) MALAYSIA PRODUCTIVITY
) CORPORATION

in the presence of :

)
)
)
) SALIZA SAARI
) DIRECTOR
) MALAYSIA PRODUCTIVITY
) CORPORATION

SIGNED BY

For and on behalf of

**RESPECT Business and Advanced Technology
Solutions Sdn. Bhd**

(Registration No. 63109091-T)

)
)
)
) Chia Jen Wen
) General Manager
) TUV SUD MALAYSIA SDN BHD

in the presence of :

)
)
)
) HANIF BIN HALIM
) OPERATIONAL CLERK
) TUV SUD MALAYSIA SDN BHD

APPENDIX B

(to be taken, read and construed as an integral part of this Agreement)

DELIVERABLES

Bil	Item
1.	The Industry4WRD Readiness Assessment to the assigned SMEs for each batch and zone shall be conducted by CONSULTANT based on MPC's assignment from time to time.
2.	The Industry4WRD Readiness Assessment reports of the assigned SMEs for each batch and zone shall be delivered by CONSULTANT to MPC in accordance with MPC's assignment from time to time.
3.	Assessment RA needs to be completed by end of June 2021.

A handwritten signature in black ink, consisting of a stylized 'K' followed by a horizontal line and a small flourish.

APPENDIX E

(to be taken, read and construed as an integral part of this Agreement)

21.12.2020 10:40AM EAL

2.0001.0013



KEMENTERIAN KEWANGAN MALAYSIA
 MINISTRY OF FINANCE
 KOMPLEKS KEMENTERIAN KEWANGAN
 NO. 6, PERSARAIAN PERDANA, PRESPIT 2
 PUSAT PENTADBIRAN KERAJAAN PERSEKUTUAN
 62502 PUTRAJAYA

Tel : 03-8000 8000
 Faks : 03-8862 3803
 03-8862 3504
 Web : www.btreasury.gov.my

SULIT

YBhg. Dato' Lohman Hekim Ali
 Ketua Setiausaha
 Kementerian Perdagangan Antarabangsa dan Industri
 Ara 28, Menara MITI
 No. 7, Jalan Sultan Haji Ahmad Shah
 50480 KUALA LUMPUR

YBhg. Dato',

Ruj. Tmn : MPC/PCT/100.2/1
 Ruj. Kami : MOF.BPK (S)600-15/6/19 (26)
 Tarikh : 18 December 2020

No. Faks: 03 - 6211 0536

PELANJUTAN TEMPOR BAGI PELANTIKAN BADAN PENILAIAN UNTUK TINJAUAN KESEDIAAN INDUSTRY4WRD (RA)

Dengan hormatnya saya arah merujuk kepada permohonan Perbadanan Produkiti Malaysia (MPC), Kementerian Perdagangan Antarabangsa dan Industri (MITI) yang diterima melalui sistem Electronic Government Management Application (e-GMA) pada 1 December 2020 mengenai perkara di atas. Maklumat berkaitan penerimaan daripada MPC melalui e-mel bertarikh 14 December 2020 dan 15 December 2020 adalah berikutan:

2. Dimaksudkan bahawa Kementerian Kewangan Malaysia (MoF) telah membuat permohonan kepada MPC untuk memperluaskan tempoh kontrak selama satu (1) tahun bagi enam (6) Badan Penilaian (BP) Untuk Tinjauan Kesiapan Industri4WRD (RA) dan sekiranya mendasar seperti berikut:

- MPC menggunakan baki peruntukan Belanja Pembangunan (DE) bagi tahun 2019 dan tahun 2020 yang masih belum dibelanjakan bagi membiayai kos pelantikan BP di atas. Oleh itu, yang demikian, MPC tidak mematuhi Arahan Perbadanan (AP) 6.1(d) yang menetapkan bahawa apa-apa wang yang telah dibelanjakan oleh badan majlis yang khusus hendaklah dibelanjakan bagi maksud tersebut dalam tempoh yang dibenarkan baginya;
- MPC gagal mematuhi syarat MIMOS Berhad (MIMOS) mengemukakan semua Surat Setuju Terima (SST) yang telah diundikan balas mengikut tempoh yang telah ditetapkan dalam SST lain selama 30 hari;
- MPC tidak mematuhi Petaling Perbendaharaan (PP)/TK4.2/Perenggan 6.1/Jadual 2 yang menetapkan bahawa kontrak formal hendaklah ditandatangani dalam tempoh empat (4) daripada tarikh SST ditandatangani bagi perolehan bermasa; dan

3
 (SULIT)

MOF.NPK (S)600-15/8/19 (26)

16 Disember 2020

SULIT

- d) MPC tidak membolehkan perubahan tempoh pelaksanaan bagi setiap syarikat AB berbeza dengan surat kelulusan MoF bertarikh 6 April 2020 dengan tempoh pelaksanaan dalam SST yang dikeluarkan kepada syarikat AB.

3. Selubungan itu, MPC diberikan jaminan ke atas ketidakpuhan seperti yang disenaraikan di perenggan 2 (a) hingga (d) di atas. Walau bagaimanapun, bagi memastikan perkhidmatan sedia ada tidak terputus, MoF bersetuju meluluskan permohonan MPC untuk melanjutkan tempoh kontrak sekiranya satu (1) tahun mulai 1 Januari 2021 sehingga 31 Disember 2021 bagi enam (6) Badan Perisikan (AB) Untuk Tindakan Kesiapan Industri (WRD) (RA) dengan syarat yang dikenal pasti tanpa melibatkan sebarang pertambahan kos kepada nilai kontrak sedia ada seperti perincian di Jadual 1 berikut:

Jadual 1

Sl. No.	Nama Syarikat	Nilai Kontrak (RM)
i.	SIRIM Berhad (SIRIM)	
ii.	MIMOS Berhad (MIMOS)	
iii.	Malaysia Automotive Robotics and IoT Institute (MARII)	
iv.	TUV SUD (Malaysia) Sdn. Bhd. (TSM58)	
v.	YNY Technology Sdn. Bhd. (YTSB)	
vi.	Respect Business and Advanced Technology Solutions Sdn. Bhd. (RBATSSB)	
	Malaysia Kumpulan (RM)	

4. Kelulusan ini adalah tertakluk kepada syarat-syarat berikut:

- a) Perincian telah diluluskan dan mencukupi bagi perolehan ini;
- b) Semua peraturan dan tugas kewangan yang bertukar kuasa hendaklah dipatuhi sepenuhnya;
- c) MPC hendaklah mewujudkan perjanjian tambahan dengan semua syarikat AB yang dikenal pasti b. mematuhi kepentingan Kerajaan terpeliharanya; dan
- d) MPC hendaklah membolehkan untuk memastikan semua syarikat AB yang dikenal pasti b. mematuhi spesifikasi perkhidmatan yang ditetapkan.

5. Bagi memastikan sebarang isu bayaran kepada syarikat yang diambil, MoF juga bersetuju supaya MPC diberikan pengecualian khas untuk melanjutkan tempoh menandatangani dokumen kontrak melebihi empat (4) bulan daripada tarikh SST dikeluarkan bagi perolehan di atas sehingga 31 Disember 2020 untuk syarikat MARII, syarikat TSM58 dan syarikat RBATSSB. Kelulusan ini adalah tertakluk kepada syarat-syarat berikut:

- a) MPC hendaklah memastikan pengecualian ini tidak akan menjejaskan perkhidmatan yang akan diberikan;



MKS.LPK (5)600-15/8/19 (26)

18 Disember 2020

SULIT

- b) MPC hendaklah mewujudkan mekanisme penapisan perolehan yang efisien untuk mengelakkan berlakunya kecurangan dalam mewujudkan kontrak formal pada masa akan datang; dan
- c) MPC hendaklah memastikan semua urusan berkaitan perolehan Kerajaan dilaksanakan berdasarkan asalan adab urus baik (*good governance practices*) dengan mematuhi prinsip-prinsip perolehan bagi memperoleh nilai faedah yang terbaik kepada Kerajaan.

6. Ketetapan ini diberikan untuk perolehan ini sahaja dan tidak boleh dijadikan *precedent* bagi perolehan lain selanjutnya di masa hadapan.

7. Memandangkan perkhidmatan syarikat AB adalah perkhidmatan dalam usaha Kerajaan mencapai industri 4.0 dan bagi menggalakan pematuhan peraturan yang berbilang-undang untuk perundangan MoF, MPC dikehendaki menyediakan *Standard Operating Procedures* (SOP) bagi perolehan di atas dan mengemukakan salinan SOP tersebut melalui peralihan Pegawai Pengawal MITI untuk dimuktamadkan di Pejabat MoF.

8. Bagi tujuan penambahbaikan proses perolehan, MoF juga mencadangkan supaya Bahagian Audit Dalam MITI melaksanakan audit ke atas perolehan tersebut secara berkala dan mengemukakan satu (1) laporan lengkap kepada MoF untuk tujuan rekod.

Selanjutnya, terima kasih.

"BERKHIDMAT UNTUK NEGARA"

Saya yang menjatuhkan amanah,

(DATO' ZAHZURI BIN ABDUL AZIZ)

Bahagian Pengiraan Keperluan
K.P. Kumpulan Perolehan Kerajaan
Kementerian Kewangan Malaysia

s.l.:

YBhg. Dato' A. L. M. Ali Hassan
Ketua Pengarah
Perbadanan Perolehan Malaysia
Pusat Serai 64, Jalan Serai
44906 Putrajaya
SELANGOR DARUL EHSAN

No. Faks: 03-7936 1697

YBhg. Dato' Saiful Azhar bin Lohat Hassan
Ketua Pengarah
Unit Perancang Ekonomi
Jabatan Perdana Menteri
Seksyen Perdana
Kompleks Seksyen Perdana
Pusat Pentadbiran Kerajaan Persekutuan
62502 PUTRAJAYA

No. Faks: 03-8886 3755

Dato' SBPK