

DATED

2021



SUPPLEMENTAL AGREEMENT

BETWEEN

MALAYSIA PRODUCTIVITY CORPORATION

AND

RESPECT BUSINESS AND ADVANCED TECHNOLOGY SOLUTIONS SDN. BHD.

ON

**THE IMPLEMENTATION OF INDUSTRY4WRD READINESS ASSESSMENT
PROGRAM**

THIS SUPPLEMENTAL AGREEMENT is made on 1 MARCH



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

RESPECT Business and Advanced Technology Solutions Sdn. Bhd. (Registration No. (1199224-H) a company incorporated under the Companies Act 2016 and having its principal office at 9-3, Infinity Tower, 47301 Kelana Jaya, 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 1 June 2020 (hereinafter referred to as **"the Principal Agreement"**) entered into between MPC and **RESPECT Business and Advanced Technology Solutions Sdn. Bhd.**, MPC agreed to appoint **RESPECT Business and Advanced Technology Solutions 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:

**'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. 1199224-H)

)
)
)
) DR HALIM SHAH DATO HAMZAH
) MANAGING DIRECTOR
) RESPECT Business and Advanced
Technology Solutions Sdn Bhd

in the presence of :

)
)
)
) MOHD JAZRIL EFFENDI JALALUDIN
) OPERATIONS DIRECTOR
) RESPECT Business and Advanced
Technology Solutions Sdn Bhd

ANNEXURE 1

APPENDIX B

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

DELIVERABLES

B#	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.

ANNEXURE 1

APPENDIX B

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

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APPENDIX E

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

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KEMENTERIAN KEWANGAN MALAYSIA
MINISTRY OF FINANCE
KOMPLEKS KEMENTERIAN KEWANGAN
NO. 5, PERSARUAN PERDANA, PRESENT 2
PUSAT Pentadbiran Kerajaan Persekutuan
62540 PUTRAJAYA

Tel: 03-8000 8000
Faks: 03-8582 1893
03-8582 1894
Web: www.treasury.gov.my

SALAT

Ruj. Tawar: MPO/PCT/100-2//
Ruj. Rans: MPO/DPK/15/605-15/6119-26
Tarikh: 18 December 2020

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

No. Faks: 03 - 4211 0534

YBhg. Dato',

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

Dengan hormatnya saya arah menulis kepada Pemohonan Perkhidmatan Produktiviti Malaysia (MPC), Kementerian Perdagangan Antarabangsa dan Industri (MITI) yang diterima melalui sistem Electronic Government Procurement Application (e-GPA) pada 1 December 2020 mengenai perkara di atas. Maklumat tambahan diterima daripada MPC melalui e-mel bertarikh 14 December 2020 dan 15 December 2020 adalah berikut:

2. Berdasarkan bahawa Kementerian Kewangan Malaysia (MoF) telah memilih permohonan MPC untuk melanjutkan tempoh kontrak selama satu (1) tahun lagi iaitu (5) Badan Penilaian (A) Untuk Tinjauan Kesiapan Industry4WRD (RA) dan sekiranya tidak ada sebarang perubahan.

a) MPC mengemukakan bagi peruntukan Rujukan Pembangunan (DE) bagi tahun 2019 dan tahun 2020 yang masih belum dibelanjakan bagi membayai kos perkhidmatan. Oleh yang demikian, MPC tidak mematuhi Arahan Perbelanjaan (AP) 6.1(i) yang menetapkan bahawa apa-apa wang yang telah disalurkan bagi perkhidmatan yang khusus hendaklah dibelanjakan bagi kepada Kementerian Wang Disalurkan sekiranya tidak dibelanjakan bagi maksud tersebut dalam tempoh yang dibenarkan baginya;

b) MPC gagal memastikan syarikat MIMOS Berhad (MIMOS) mengemukakan semula Surat Setuju Terima (SST) yang telah diundatangkan telah menamatkan tempoh yang telah ditetapkan dalam SST iaitu selama 30 hari;

c) MPC tidak mematuhi Pekeliling Perbelanjaan (PP)/TK4.2/Perenggan 6.1/Jadual 2 yang menetapkan bahawa kontrak formal hendaklah ditandatangani dalam tempoh empat (4) daripada tarikh SST dikeluarkan bagi projek bermula; dan

MOF/JPK (S)600-15/6/19/26)

18 Desember 2020

SUUT

- d) MPC tidak memajukan 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. Sehubungan itu, MPC diberikan seguran ke atas ketidakpuhutan seperti yang dinyatakan 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 selama satu (1) tahun mulai 1 Januari 2021 sehingga 31 Disember 2021 bagi enam (6) Badan Penilaian (AB) Untuk Tinjauan Kesiapan Industri (WRD) (RA) dengan syarikat yang dikenal pasti tanpa melibatkan sebarang pertambahan kos kepada nilai kontrak sedia ada seperti perincian di Jadual 1 berikut:

Jadual 1

NO.	Nama Syarikat	Nilai Kontrak (RM)
1.	SIRIM Berhad (SIRIM)	██████████
2.	MIMOS Berhad (MIMOS)	██████████
3.	Malaysia Automotive Robotics and Technology MARA	██████████
4.	TUV SUD (Malaysia) Sdn. Bhd. (TSMSE)	██████████
5.	YNY Technology Sdn. Bhd. (YTSB)	██████████
6.	Respect Business and Advanced Technology Solutions Sdn. Bhd. (RBATSSB)	██████████
Jumlah Keseluruhan (RM)		██████████

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

- Peruntukan telah diluluskan dan mencukupi bagi perolehan ini;
- Semua peraturan dan tatacara kewangan yang berkuat kuasa hendaklah dipatuhi sepenuhnya;
- MPC hendaklah mewujudkan perjanjian tambahan dengan semua syarikat AB yang dikenal pasti bagi memastikan kepentingan Kerajaan terpelbaga; dan
- MPC hendaklah memastikan untuk memastikan semua syarikat AB yang dikenal pasti mematuhi semua kontrak dan memenuhi spesifikasi perkhidmatan yang ditetapkan.

5. Bagi mengotakan sebarang itu bayaran kepada syarikat yang dilantik, 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 MARA, syarikat TSMSE dan syarikat RBATSSB. Kelulusan ini adalah tertakluk kepada syarat-syarat berikut:

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

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18 December 2020

SUBIT

- c) MPC hendaklah memastikan semua urusan berkaitan perolehan Kerajaan dilaksanakan berdasarkan amalan terbaik untuk baik *good governance practices* dengan mematuhi prinsip-prinsip perolehan bagi memperoleh nilai faedah yang terbaik kepada Kerajaan.

- c) MPC hendaklah mematuhi semua urusan berkaitan perolehan. Kemasa dilaksanakan berdasarkan amalan terbaik untuk baik *good governance practices* dengan mematuhi prinsip-prinsip perolehan bagi memperoleh nilai faedah yang terbaik kepada Kerajaan.

6. Kelulusan ini diberikan untuk keperluan ini sahaja dan tidak boleh dipakai untuk memohon baki perolehan lain semestinya di masa hadapan.

7. Memasukkan perhidudukan variabel AB adalah diperlukan dalam suatu Kriteria mencapai Indeks 4.0 dan bagi mengedukasi pemosisian tindakan serta yang berlingkungan untuk pertimbangan MGR, MPC diarahkan menyediakan *Standard Operating Procedure (SOP)* bagi prosedur di atas dan mengumpulkan salinan SOP tersebut melalui peraturan *Pegawai Pegawai MITI* untuk dimasukkan ke dalam *Guideline* MGR.

8. Bagi tujuan penambahbaikan proses perolehan, Majlis mengadakan survey lapangan Aode Dalam Miti melaksanakan audit proses perolehan secara berkala dan mengemukakan satu (1) laporan lengkap kepada Majlis untuk tujuan rief.

Sekarang, terima kasih

"BERKHIDMAT UNTUK NEGARA"

Saya yakin mengalami amarah,

(DATO' ZAMZURI BIN ABDUL AZIZ)

Bahagian Penyelidikan
D.P. Kertanegara & Penterjemahan
Kementerian Pendidikan Malaysia

54

YBhg. Dato' A. D. Latiff Haji, Ahli Dewan
Ketua Pengarah
Pusat Inovasi Produk Pertanian Malaysia
Pusat Serai dan Bawang
46904 Pelandok Jaya
SELANGOR DARUL IMBUN

No. 5-A-03-7950 1497

YElhg. Docuk Saiful Amsar bin Lebar Hussain
Ketua Pengarah
Unit Perancang Ekonomi
Jabatan Perdana Menteri
Setia Perdana di
Kolejster Setia Perdana
Pusat Pemadidiran Kerajaan Persekutuan
61502 PUTRAJAYA

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