



Dawlada Deegaanka Soomaalida
DHOOL GAZETA
የሶማሌ ክልል መንግሥት
SOMALI REGIONAL STATE

Qiimaha የንዱ ዋጋ Price _____	Dhool Gazeta Waxa Soo Saara Baarlamanka Dawladda Deegaanka Soomaalida	<input type="checkbox"/>
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Bayaan Tirsi 60/1999
 Bayaanka Nidaamka Iibka
 Dawladda Deegaanka Soomaalida
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አዋጅ ቁጥር 60/1999
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BAYAAN TIRSI 60/1999
BAYAANKA GO'AAMINTA
NIDAAMKA IIBKA
DAWLADA

Maadaama ay muhiim tahay in hantida iyo miisaaniyada lacageed ee dawlada loo isticmaalo nidaam habboon oo midho dhal ah.

Madaama iibka dawliga, shaqooyinka iyo adeegyaduba ay qayb muhiim ah ka qaataan kharashyada dawliga;

Maadaama ay lagama maarmaan tahay in iibka dawliga loo fuliyo hanaan ku salaysan dhaqaale tashiilid midho dhal ah oo ka madax-banaan eex, musuq maasuq islamarkaana u dhaca nidaam caddaali ah oo xor ah.

Maadaama iibka dawligu u yahay aalad muhiim u ah hawlaha horumarinta dhaqaale ee ka socda heer deegaan, gobol, degmo iyo magaalaba.

Sidaas awgeed, iyadoo laga duulayo qodobka 49(3, b), ee Dastuurka dib loo habeeyay ee deegaanka Soomaalida, waxa la bayaaminayaa sidan:-

አዋጅ ቁጥር 60/1999
በሶማሌ ክልላዊ መንግስት የግዥ ሥራዓት
ለመወሰን የወጣ አዋጅ

መንግስት ለላላውነቱን በሚገባ ለመውጣት ለሚያደርገው እንቅስቃሴ ሀብትን በቁጠባና ውጤታማ በሆነ መንገድ ጥቅም ላይ ማዋል መሠረታዊ ጉዳይ በመሆኑ፡፡

የዕቃዎች እና የአገልግሎት ግዥ እንዲሁም የግንባታ ሥራ ከመንግስት ጠቅላላ ሀብት ከፍተኛውን የወጭ ድርሻ የሚይዝ በመሆኑ፡፡

የመንግስት ግዥ በቁጠባና ውጤታማ በሆነ መንገድ እንዲፈጸም ከማድረግ በተጨማሪ ሂደቱ ፍተሃዊ ግልጽ እና አድራጃ የሌለበት እንዲሆን ማድረግ ተገቢ ስለሆነ፡፡

የመንግስት ግዥ በክልል በዞን በከተማ አስተዳደሮች እና በወረዳዎች ለሚከናወን የኢኮኖሚ ልማት ተግባራት መስፋፋት አጋዥ መሣሪያ መሆን ስላለበት ፡፡

በተሻሻለው የሶማሌ ክልላዊ መንግስት ሕገ-መንግስት አንቀጽ 49 (3 ሀ) መሰረት የሚከተለውን ታውጧል፡፡

PROCLAMATION N°.
PROCEDURES OF P
PROCUREMENT
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REGIONAL STAT

Whereas, the economic and of public funds is essential functioning government.

Whereas, procurement of g and services are a major sha expenditure;

Whereas, public procureme carried out in a manner, economic, efficient, fair, tran non-discriminatory;

Whereas, public procurement be instrumental to development activities to be in the region long ward and cu

Now Th refore, in accorde Article 49(3,b) of the Constitution of the Somali Reg it is here by proclaimed as follo

Qaybta koowaad

Guud ahaan

Qod 1^{aad} - Ciwaan Gaaban

Bayaankan waxa loogu yeedhi karaa "Bayaanka Go'aaminta Nidaamka Iibka Hantida Dawlada ee Deegaanka Soomaalida ee Bayaan Tirsi 60/1999.

Qod 2^{aad} Qeexid

Bayaankan dhexdiisa:-

- 1) "Qalab" waxa loola jeedaa alaabta qaydhiin, waxyaabaha warshaduhu soo saaraan, qalabyada kala duwan sida mashiinada iwm, badeecadaha jurmiga adag, kuwa dareeraha ah, ama kuwa qaabka naqaska ah (qaab hawo) kuwo korontada, hawlaha rakibaada, qalabyada dayactirka gaadiidka iyo adeegyada kale ee aan qiimuhoodu ka badneyn qiimaha alaabada ay la socdaan.
- 2) "Adeeg" waxaa loola jeedaa shay kasta oo ka baxsan shaqooyinka dhismaha, alaabooyinka iyo adeegyada la talinta.
- 3) "Shaqooyinka dhismaha" waxa loola jeedaa hawlaha la xidhiidha dhismaha, dib u dhisida, duminta dhismeyaasha, dayactirka ama cusboonaysiinta, daaraha, jidadka ama diyaarinta qaababka sida: Diyaarinta goobaha dhismaha loogu talo galay, taagida/qalabyada waaweyn, qodida ama faqitaanka dhulka qurxinta, ama adeegyada yaryar ee sida kediska ah looga baahdo goobaha shaqooyinka, haddii iyo markii ay qiimaha adeegyadaasi ka badnayn qiimaha shaqooyinka la qabanayo, laf ahaantooda, waxaana ka mid ah qandaraasyada la xidhiidha dhismaha samaysanayo mulkiyad yeelashada iyo kala wareejinta.
- 4) "Adeegyada la taliinta" waxa loola jeedaa adeeg kasta oo uu bixinayo/ ay bixinayaan aqoonyahan/aqoonyahano iyo adeeg kasta oo leh dabeecad la talineed, ama tan ay bixiyaan shirkadaha, kooxaha iyo shakhsiyaadka sharci ahaan ku sifooba kuwaas oo adeegsanaya takhasusyada xagga xirfada ah ee ay u leeyihiin arrimaha daraasooyinka, dejinta iyo habaynta mashaariic khaas ah, la talinta macaamiisha (la taliinta) qabashada tababarada iyo gudbinta aqoonta.
- 5) "Iibka" waxa loola jeedaa alaabooyinka, qalabka dhismeyaasha iyo adeegyada oo lagu helo iib, kiro ama qaab kasta oo leh dabeecad heshiis.
- 6) "Qandaraas bixiye" waxa loola jeedaa hay'addaha dawlada deegaanka, xarumaha waxbarashada sare iyo qaybaha kale ee dawlada, lehna qaab-dhismeed la mid ah, kuma shaqeeya qayb ahaana ama guud ahaan miisaaniyada dawladu u qoondaysa.
- 7) "Lacagta dawladda" waxa loola jeedaa lacag kasta oo ka soo xeroota dakhliga deegaanka ama kabida dawlad dhexe ama deeqaha iyo deymaha dibadeed ee dawlada dhexe aan qayb ahaan ugu yeelano ee loo qoondeeyo qandaraas bixiyaha.

ፖዕራፍ አንድ

ጠቅላላ

1 አጭር ርዕስ

ይህ አዋጅ የሰማሊ ክልላዊ መንግስት የግዥ ሥራዎችን ለመወሰን የወጣ አዋጅ ቁጥር 60/1999 ተብሎ ሊጠቀስ ይችላል።

2 ትሪጎሚ

በዚህ አዋጅ ውስጥ:-

1. "ዕቃ" ማለት በጠጣር በፈሳሽ ወይም በገዝ መልክ የሚገኝ ጥሬ ዕቃ ምርት መሰሪያ ሽቀጥና ሌሎች ለማስፈን እንዲሁም ከሚገዛው ዕቃ ጋር ግንኙነት ያው እና ከዕቃዎቹ ዋጋ ያልበለጠ ዋጋ ያለው የተከለ የትራንፖርት የጥገናና ሌላ ተመሳሳይ አገልግሎት ነው።
2. "አገልግሎት" ማለት ከዕቃ ከግንባት ዘርፍ ሥራና ከምክር አገልግሎት ውጪ ያለ ማገኛውም ግዥ ነው።
3. "የግንባታ ዘርፍ ሥራ" ማለት ከሕንጻ ከመንገድ ወይም ከመሰረት ልማት ሥራ ጋር በተያያዘ የሚከናወን አዲስ የግንባታ የመልሶ ግንባታ የማፍረስ/የጥገና/የማደስ ሥራ እንዲሁም ተጋዳኝ የሆነና ከዋናው ሥራ ያልበለጠ ዋጋ ያለው አገልግሎት ሊሆን የመገንባት በባለቤትነት የመያዝ ስራውን የማንቀሳቀስና የማስተላለፍ ዉሎችና ይጨምራል።
4. "ምክር አገልግሎት" ማለት ለማካሪዎች ያላቸውን ሙያዊ ክህሎት የሚሰጡት የጥናት የዲዛይን የተለያዩ ፕሮጀክቶች የማደራጀት ለደንበኞች ምክር የመስጠት ሥልጠና የመስጠትና ዕውቀትን የማስተላለፍ የአማካሪነት ባህሪ ያለው የአዕምሮ አገልግሎት ነው።
5. "ግዥ" ማለት ዕቃውን የግንባታ ዘርፍ ሥራዎችንና አገልግሎቶችን በግዥ በኪራይ ወይም በማናቸውም ሌላ ተመሳሳይ ውል ማግኘት ነው።
6. "ግዥ ፈጻሚ አካል" ማለት ሙሉ በሙሉ ወይም በከፊል በክልል መንግስት በጀት የሚተዳደር የመንግስት መ/ቤት ከፍተኛ የትምህርት ተቋምና ተመሳሳይ አቋም ያለው አካል ነው።
7. "የመንግስት ገንዘብ" ማለት ከክልሉ መንግስት ገቢ ወይም ከፌዴራል መንግስት ግምጃ ቤት ወይም በፌዴራል መንግስት በኩል ካገኘው የውጭ ዕርዳታና ብድር ለግዥ ፈጻሚ አካላት የተመደበ ገንዘብ ወይም የግዥ ፈጻሚ አካላት የውስጥ ገቢ ነው።

Chapter General

1. Short Title.

This proclamation may be cited as the Proclamation To Determine the Regional State Procurement Act 60/1999

2. Definitions

In this proclamation.

1. "Goods" means raw materials, equipment and commodities in liquid or gaseous form, as well as installation, transportation or similar obligations related to the goods if their value exceeds that of the goods themselves.
2. "Services" means procurement other than consultancy services;
3. "Works" mean all works including the construction, demolition, repair or building, road or infrastructure site preparation, excavation, equipment and material as well as services does not include works themselves and in operation & transfer contracts.
4. "Consultancy Service" means of an intellectual and professional skills to be provided by consultants to organize specific projects, conduct training and transfer of knowledge.
5. "Procurement" means hiring obtaining by any means of goods, works and services.
6. "Procuring entity" means which is partly or wholly owned by the regional Government, education institutions or institutions of like nature.
7. "Public Funds" means resources appropriated from the Regional treasury or aid grants & internal revenue of procurement.

8 "Iibka dawliga ah" waxa loola jeedaa iibka hay'addaha dawladu ay bixiyaan ee lacagta dawladu loo adeegsado.

9 "Alaab keenaha" waxa loola jeedaa shakhsi/shirkad aqoonsi sharci leh oo qandaraas bixiyuhu kula heshiiyey inuu keeno alaab ama fulin adeeg ay dawladdu u baahan tahay.

10 "ka qayb-gale" waxaa loola jeedaa shakhsi ama shirkad aqoonsi sharci leh oo lagu marti-qaaday inuu ka qayb-galo tartanka qandaraas iib dawladeed,

11 "Tartame" waxaa loola jeedaa shakhsi/shirkad aqoonsi sharci leh oo soo gudbisatay rabitaanka uu tartanka kaga qayb-gelayo.

12 "Dhokumentiyada tartanka iibka" waxaa loola jeedaa dhokumentiyada loo adeegsado tartanka iibka.

13 "Xafiis ama madax-xafiiseedka" waxa loola jeedaa xafiiska xidhiidhinta maaliyada iyo horumarinta dhaqaalaha D.D.Soomaalida iyo mas'uulkiisa ugu sareeya.

14 "Awaamiirta iibka" waxa loola jeeda awaamiirta uu xafiisku soo saaro si loo meelmariyo qodobadaa bayaankan.

15 "Dammaanad" waxa loola jeedaa cadadka lacageed ee tartamuhu ku khasban yahay inuu dammaanad ahaan u dhigo si u uga qayb-galo tartanka.

16 "Deegaan" waxa loola jeedaa D.D.Soomaalida.

Qod 3^{aad} -Xadka fulineed ee bayaanka

1. Bayaankan wuxuu dhaqan-gal ku yahay dhammaan iibka dawlada deegaanka.

2. Iyada oo aan wax loo dhimayn arrimaha ku xusan qodob-hoosaadka 1^{aad} ee qodobkan mar kasta oo ay xaalada N/gelyo ee deegaanku lagama maarmaan ka dhigto madaxa xafiisku isagoo la tashanaya qaybaha dawlada ee ay khasayso wuxuu go'aamin karaa nidaam iib oo kale. Isla markaana wuxuu soo saari awaamiir lagu maamulo si iibku u noqon lahaa mid hufan oo midho dhal ah.

Qod 4^{aad} -Waajibaadyada caalamiga ah

1. Heshiisyada caalamiga ah ee dawlada dhexe la gashay ama la geli doonto dalalka shisheeye ama ururada caalamiga ah ama waajibaadyada ka dhashay heshiisyadaasi haddii ay ka hor yimaadaan qodobada bayaankan waxa dhaqan-gal ah arrimaha ku xusan heshiiska.

2. Heshiiska lagu tilmaamay farqada 1^{aad} ee qodobkan marka uu dan u yahay Itoobiya ama tartameyaasha Itoobiyaanka ah waa in qandaraas-bixiyuhu dhokumentiga qandaraaska uu ku qeexo mudnaantaas.

Qod 5^{aad} -Awaamiirta iibka

Awaamiirta iibka ee bayaankan lagu meel marinayo waa in bulshada lagu baaarujiyaa, isla markaana si habsami ah loo xafido.

8. "P" "Procurement" means a person invited to supply goods, services or construction work by the procuring entity to supply goods, services or construction work using public funds;

9. "Supplier" means a person under contract with the procuring entity to supply goods, services or construction work;

10. "Candidate" means a person invited to take part in the procurement or seeking to take part in the procurement;

11. "Bidder" means a person submitting a bid;

12. "Bid Documents" means the documents prepared by the procuring entity as a basis for preparation and submission of bids;

13. "Bureau or Head of the Bureau of Finance and Economic Development" means the Bureau of Finance and Economic Development coordinating the activities of the Regional State and Headquarters of the Bureau of Finance and Economic Development;

14. "Procurement Directives" means the directives issued by the procuring entity in the form of a proclamation;

15. "Bid security" means a sum of money or other security to be provided by the bidder to the procuring entity to ensure that the bidder enters into a contract with the procuring entity in accordance with the terms and conditions of the bid;

16. "Region" means the regional state;

3. Scope of Application

1. This proclamation applies to the procurement of goods, services or construction work by the regional state public procurement entity.
2. Notwithstanding Sub-Article (1) of this Article, the Regional State public procurement entity, after consultation with the relevant bodies, may in the interest of security decide to use a different procurement procedure, in which case the method of procurement shall be defined in order to serve the economy and efficiency.

4. International Obligation

1. To the extent that the provisions of this proclamation conflict with an obligation of the Government under or arising from an agreement with one or more countries with an international or regional character, the provisions of that agreement shall prevail.
2. Where an agreement referred to in Article (1) of this Article provides for preference or preference national and resident bidding, the procuring entity shall ensure that the preference or preferences are given in the bidding documents.

5. Public Accessibility

This proclamation and the directives of the Bureau of Finance and Economic Development shall be made accessible to the public and systematically maintained.

5. P" "Procurement" means a person invited to supply goods, services or construction work by the procuring entity to supply goods, services or construction work using public funds;

8. "Supplier" means a person under contract with the procuring entity to supply goods, services or construction work;

6. Marka ay dhacdo in xafiisyo kala duwan ay u baahdaan qalabyo, shaqooyin iyo adeegyo isku mid ah madax-xafiiseedku wuxuu awood u leeyahay in uu hal xafiis oo ka mid ah amar ku siiyo fulinta iibka ama uu wakiil gaar ah u magacaabo si uu shayada loo baahan yahay ugu soo gado/iibiyo magaca xafiisyada. Haddii kalena, madax-xafiiseedku wuxuu geli karaa heshiis iib oo qiimo go'an leh, isla markaana ku salaysan qaab jumlad (wadar) wax lagu soo iibinayo. Heshiiskaasina waa mid xafiisyada iibka uu suurto-gelinaya inay soo dalbadaan qalabyo, shaqooyin iyo adeegyo nooc khaasa ah.

7. Si loo dhaqan-geliyo qodob-hoosaadka 6^{aad} ee qodobkan "heshiiska wadareed" waxa loola jeedaa heshiis qiimo go'an leh oo uu madax-xafiiseedku amar ku bixiyey, iyadoo ay gelayaan heshiiska xafiiska iibka si gaar ah loogu xilsaaray iyo soo dhaweeyuhu, marka xafiisyadu ay u baahan yihiin qalabyo, shaqooyin iyo adeegyo isku mid ah

Qod 8^{aad} Mas'uuliyada iyo la xisaabtanka

1. Xafiisyada kala duwan ee deegaanku waxay guud ahaanba mas'uul ka yihiin geedi-socodka iibka iyo fulitaanka heshiiska iibka. Waxay si gaar ah mas'uul uga noqonayaan:-

b) Inay dhisaan waax xafiiska ugu qaabilsan arrimaha iibka

t) Inay dhisaan, isla markaana magacaabaan Xubnaha Gudiga Iibka

j) Inay soo saaraan ogeysiisyada tartanka qandaraasyada

x) Inay wargeliyaan ciddii ku guulaysatay qandaraaska loo tartamay.

Kh) Inay xaqiijiyaan inay jirto miisaaniyad ku filan ka hor intaanay heshiiska qandaraas la gelin.

d) Inay saxeeaan heshiisyada ku saabsan hawlaha iibka

r) Inay baadhaan cabashooyinka ka yimaada tartameyaasha qandaraasyada, kana gaadhaan go'aamada ku habboon.

s) Inay xafiiska u soo gudbiyaan midkiiba hal nuqul wixii cabashooyin iyo warbixinaba leh ee ku saabsan natiijooyinka baadhitaanka arrimahaas la xidhiidha iyaga oo sidoo kale soo raacinaya go'aamadii ay ka qaateen.

sh) Inay xaqiijiyaan in fulitaanka qandaraasku uu waafaqsan yahay shuruudihii heshiiska.

dh) Inay hadba sidii ay lagama maarmaan u tahay wuxuu hawlaha iibka u shaqaaleysan

2. Xafiis kasta oo qandaraas-bixiye ah iyo shaqaalaha ama mas'uuliyiinta loo magacaabay maaraynta hawlaha iibka waxay mas'uul ka yihiin go'aamada ay ku gadheen nidaam ka baxsan hanaanka bayaankan iyo awaamiirta xafiiska lagu xeriyay.

6. halkan oo ay dhacdo in xafiisyo kala duwan ay u baahdaan qalabyo, shaqooyin iyo adeegyo isku mid ah madax-xafiiseedku wuxuu awood u leeyahay in uu hal xafiis oo ka mid ah amar ku siiyo fulinta iibka ama uu wakiil gaar ah u magacaabo si uu shayada loo baahan yahay ugu soo gado/iibiyo magaca xafiisyada. Haddii kalena, madax-xafiiseedku wuxuu geli karaa heshiis iib oo qiimo go'an leh, isla markaana ku salaysan qaab jumlad (wadar) wax lagu soo iibinayo. Heshiiskaasina waa mid xafiisyada iibka uu suurto-gelinaya inay soo dalbadaan qalabyo, shaqooyin iyo adeegyo nooc khaasa ah.

7. Si loo dhaqan-geliyo qodob-hoosaadka 6^{aad} ee qodobkan "heshiiska wadareed" waxa loola jeedaa heshiis qiimo go'an leh oo uu madax-xafiiseedku amar ku bixiyey, iyadoo ay gelayaan heshiiska xafiiska iibka si gaar ah loogu xilsaaray iyo soo dhaweeyuhu, marka xafiisyadu ay u baahan yihiin qalabyo, shaqooyin iyo adeegyo isku mid ah

8. ZAJALINTIYIYADA IYO LA XISAABTANKA

1. Xafiisyada kala duwan ee deegaanku waxay guud ahaanba mas'uul ka yihiin geedi-socodka iibka iyo fulitaanka heshiiska iibka. Waxay si gaar ah mas'uul uga noqonayaan:-

u. Inay dhisaan waax xafiiska ugu qaabilsan arrimaha iibka

o. Inay dhisaan, isla markaana magacaabaan Xubnaha Gudiga Iibka

z. Inay soo saaraan ogeysiisyada tartanka qandaraasyada

aa. Inay wargeliyaan ciddii ku guulaysatay qandaraaska loo tartamay.

bb. Inay xaqiijiyaan inay jirto miisaaniyad ku filan ka hor intaanay heshiiska qandaraas la gelin.

cc. Inay saxeeaan heshiisyada ku saabsan hawlaha iibka

dd. Inay baadhaan cabashooyinka ka yimaada tartameyaasha qandaraasyada, kana gaadhaan go'aamada ku habboon.

ee. Inay xafiiska u soo gudbiyaan midkiiba hal nuqul wixii cabashooyin iyo warbixinaba leh ee ku saabsan natiijooyinka baadhitaanka arrimahaas la xidhiidha iyaga oo sidoo kale soo raacinaya go'aamadii ay ka qaateen.

ff. Inay xaqiijiyaan in fulitaanka qandaraasku uu waafaqsan yahay shuruudihii heshiiska.

gg. Inay hadba sidii ay lagama maarmaan u tahay wuxuu hawlaha iibka u shaqaaleysan

2. Xafiis kasta oo qandaraas-bixiye ah iyo shaqaalaha ama mas'uuliyiinta loo magacaabay maaraynta hawlaha iibka waxay mas'uul ka yihiin go'aamada ay ku gadheen nidaam ka baxsan hanaanka bayaankan iyo awaamiirta xafiiska lagu xeriyay.

6. If more than one procurin the same kind of goo services, the bureau may entity or especially agent/department to proce on behave of other entitie to frame work of agreem aggregate purchase u procuring entities may pl certain types of goods services.

7. For the purpose of im Sum-Article (6) of "Framework agreement" agreement entered into appointed by the Bur supplier which enable entities to procure same l works and services with a the frame work agreem concluding a performan with said supplier.

8. Responsibility and A

1. Procuring entities of th have overall responsib procurement process, implementation in partic responsible for :

- a) Causing to be e procurement Unit s appropriate level;
- b) Establishing a tender appointing its member
- c) Advertising bid oport
- d) Communicating award
- e) Certifying the availabi support the procure before signing a contra
- f) Signing contracts for activities.
- g) Investigation complain and rendering decision
- h) Submitting a copy of a and reports of the decisions to the Bureau
- i) Ensuring that the imp the awarded cont accordance with th conditions of the awar
- j) Outsource procuremen third parties, if necessa

2. Procuring entities employed or appointe public procurement are r accountable for action tak the provisions of this pro to any such further con be laid down in the directives

Qaybta Saddexaad

Nidaamyada aasaasiga ee iibka

Qod 9^{aad} .Kaydiinta diiwaanaada iibka

- 1. Xafiisyada fulinaya iibku waa inay xafidaan oo ay hayaan xogaha iyo dhokumentiyada (qoraalada) la xidhiidha iibka ay fuliyaan ee dawlaha ah illaa muddo toban sanno ah oo bilaabmaya marka la go'aamiyo iibka iyadoo diiwaan kasta ay ku jiri arrimahani:-
 - b) Faahfaahin kooban oo ku saabsan qalabyada, shaqooyinka ama adeegyada lagu talo jiro in la soo iibiyo.
 - t) Xaashiyaha ogeysiiska tartanka.
 - j) Magacyada iyo ciwaanada ka qayb galayaasha soo gudbiyey wixii ay kaga qayb-galayeen qandaraaska ee soo jeedinta qoraalka mashaariicda ama qiima-sheegyada iyo weliba magacyada iyo cinwaanada tartamayaasha ku guulaystay tartanka qandaraaska.
 - x) Shuruudaha qiimeynta u dejisan, isla markaana loo adeegsaday qiimeynta iyo sidoo kale war bixin kooban oo ku saabsan qiimaynta iyo isbarbardhiga tartanka, soo jeedinta hindiisaha tartanka iyo qiime-sheegyada la soo gudbiyay..
- Kh) xogaha la xidhiidha go'aan lagu joojiyey ama lagaga noqday geedi socodka iib kadib markii la bilaabay.
- d) Asbaabaha loo doorbiday hanaan ka baxsan habka furan ee tartanka qandaraasyada
- 2. Xogaha ku saabsan hawlaha iib ee la qabtay marka laga codsado ama marka hawlaha iibka uu ka soo baxay heshiis ama si sidaa ka duwan looga qaatay tallaabo lagu tirtiro ama ka noqosha ahba waa in la soo diyaariyo oo la siiyo tartamihii ku meel-gaadh ahaan kaga qayb-galay tartanka iibka, hase yeeshee marka laga reebo amar ka soo maxkamada awooda u leh iyo shuruudaha amarkan, hay'daha iibka waxaa ka reeban in ay shaca ka qaddo.
- b) Marka shac ka qadiida xogtu ay tahay mid lid ku ah sharci, turunturo ku tahay meel-marinta sharci, ay ka hor imanayso dannaha dawladda, ay caqabaad ku beeraysaa dannaha dadweynaha, ay cuqdad ku abuurayso ganacsiga xorta ah ama ay is hortaa garyo tartan caddaali ah.
- t) Xogaha la xidhiidha baadhitaanka iyo qiimeynta qandaraasyada, qoraalka mashaariicda ama qiime-sheegyada tasmada la soo jeediyey marka laga reebo nidaamka kooban ee lagu tilmaamay farqada laad (x) ee qodobkan.

መሠረታዊ የግዥ ድንጋጌዎች

2. የግዥ ሰነዶች ስለመያዝ

- 1. የግዥ ፈጻሚ አካላት አዲት ያልተደረገባቸውን ከመንግስት ግዥ ጋር የተያያዙ መዝገቦችንና ሰነዶችን ግዥው ከተፈጸመበት ቀን እንስቶ ለ10 ዓመት ያህል ማቆየት ሲገባቸው አዲት የተደረገባቸው ሰነዶች ግን ለሁለት ዓመት በማስረጃነት ቢያዙ በቂ ነው። በዚህ አይነት የሚያዙ መረጃዎች የሚተላለፉትን ይጨምራል።
- ሀ. የሚገዙት ዕቃዎች የግንባታ ሥራዎች ወይም አገልግሎቶች አጭር መገለጫ
- ለ. የጨረታ መስታወቂያ
- ሐ. የጨረታ መወዳደሪያ ሃሳብ ወይም የዋጋ መቅረቢያ የቀረቡ አቅራቢዎች ስምና አድራሻ እንዲሁም የጨረታ አሸናፊ የሆኑ ተጫራቾች ስምና አድራሻ
- መ. የጨረታ ግምገማ የተዘጋጀውን መስፈርትና ተፈጻሚ የተደረገበትን ሁኔታ የጨረታ ግምገማ የውድድሩን አፈጻጸምና ከተወዳዳሪዎች የቀረበውን የመወዳደሪያ ሃሳብና የዋጋ መቅረቢያ የሚያሳይ አጭር መገለጫ።
- ሠ. በቀረበው አበቱታ መሠረት ጨረታውን ለማገድ ወይም ለመሰረዝ ውሳኔ የተሰጠበትን እካሄድ የሚያሳይ መረጃና የዋጋ መቅረቢያ የሚያሳይ አጭር መገለጫ።
- ረ. ከግልጽ ጨረታ ውጭ ሌሎች የግዥ ሥርዓቶችን መከተል የተመረጠበት ምክንያት
- 2. የግዥው ሂደት ተጠናቆ ከአሸናፊው ጋር ውል ከተፈረመ ወይም በማናቸውም ምክንያት ውሉ ከተቆረጠ በሃላ የግዥውን ዝርዝር አፈጻጸም የሚያሳየው መረጃ በጨረታው ዕጩ ተሰታፊ የሆኑ ተወዳዳሪዎች ሲጠየቁ እንዲያየው መደረግ አለበት ይሁን እንጂ ስልጣን ባለው ፍርድ ቤት ካልታዘዘና በፍ/ቤቱ በተሰጠው ትዕዛዝ በተመለከተው መሰረት ወይም በአዋጅ ስልጣን የተሰጠው አካል ካልሆነ በስተቀር ግዥ ፈጻሚው አካል የሚከተሉትን መረጃዎች መስጠት የለበትም
- ሀ/ የመጀመሪያው ይፋ መሆን በህግ የማይፈቀድ የህግ አፈጻጸምን የሚያሰናክል የህዝብን ጥቅም የሚቃረን የተዋዋዮችን ህጋዊ የንግድ ጥቅም እንዲሁም ቀና ውድድርን የሚጎዳ ከሆነ
- ለ/ በዚህ አንቀጽ በንዕስ አንቀጽ 1/መ/ በተመለከተው መሰረት በማሳጠር የተዘጋጀውን ሰነድ ካልሆነ በስተቀር ከተጫራቾች የቀረበውን የመወዳደሪያ ሃሳብ ከመመርመርና ከመገምገም ተግባር ጋር የተያያዙ መረጃዎችን ተጫራቾች ያቀረቧቸውን የመወዳደሪያ ሃሳቦችና የጨረታ ሰነዶች ይዘት የሚገልጹ መረጃዎች።

Ch Basic pro

9. Records

- 1. Procuring entities shall maintain audited records of their public procurement activities for ten years from the date of procurement proceedings. Records of procurement proceedings shall be retained for a period of two years after the procurement proceedings are concluded, but the records shall be retained for a longer period which for each procurement activity shall be:
 - a) A brief description of the goods, works or services procured;
 - b) The invitation to tender;
 - c) The names of the suppliers and the content of the proposals or tenders, including the name and address of the suppliers;
 - d) The evaluation criteria used and applied and the evaluation and ranking of the proposals and tenders;
 - e) Information on any contract awarded, including suspend or cancelled contracts having been in force;
 - f) The grounds for the award of the procurement proceedings by open bidding.
- 2. The record concerning the procurement proceedings shall be on request made available to the public on request, unless the proceedings have been ordered to do so by a court of law and subject to the provisions of the order, the procuring entity shall disclose:
 - a) Information on the procurement proceedings if it is not contrary to law enforcement or the public interest or the legitimate commercial interests of parties or competition;
 - b) Information on the procurement proceedings if it is not contrary to law enforcement or the public interest or the legitimate commercial interests of parties or competition.

Qod 10^{aad} - Sinaanshaha

Iyada oo aan lagu xad gudbin arimaha lagu qeexay qodobka 11^{aad} ee bayaankan waa inaan ka qayb galayaasha looga takoorin ka qayb-galka qandaraasyada iibka ee dawladda qaab ku salaysan qawmiyad, isir ama shuruud kasta oo kale oo aan xidhiidhin kartida ay leeyihiin.

Qod 11^{aad} - Mudnaanta/tixgelinta

- 1. Mudnaantu waxay ku xaddidnaan:-
- b) Qalabyada Itoobiya gudaheeda lagu sameeyey 15% iyo
 - t). Shaqooyinka ay fulinayaan muwaadiniin Itoobiyaan ah 7.5% ayaa loogu deeqayaa marka lagu guda jiro geedi-socodka hawlaha qiimeynta;
- 2. Iyada oo la raacayo ujeedada farqada 1^{aad} ee qodobkan, qalab kasta oo qiima-sheegtiisu la socdo, qiimo korsaar ah (dul socod ah) ka badan 20% marka Itoobiya gudaheeda lagala kulmo waa in loo aqoonsadaa qalab itoobiya gudaheeda lagu sameeyey.

Qod 12^{aad} Nidaamka xidhiidh.

- 1. Xidhiidhka u dhaxaynaya xafiisyada iibka iyo ka qayb-galayaasha tartanku waa inuu noqdo qoraal.
- 2. Iyadoo la dhawrayo sugidda xaqiqada iyo dhowrsanaanta sir nimo. Isla markaana shuruudaha farsamo ay samaxaan, xafiisku wuxuu go'aamin Kara nidaamyo kale oo lagu xidhiidhi karo

Qod 13^{aad} Kartida ka qayb-galeyaasha

- 1. Si looga qayb-gallo iibyadda dawlaga ka qayb-galayaashu waa in ay yihiin kuwo u qalma ka qayb-galka buuxiyana shuruudaha soo socda iyo shuruudaha kale ee xafiiska qandaraas bixintu u walaalada jirta ay ku habboon tahay;
- b) Waa in ay leeyihiin awooda xirfadeed iyo kartida farsamo, maaliyadeed, qalab iyo kaabayaasha farsamo ee loo baahan yahay ,kartida maarayneed iyo waxyo-aragnimada looga baahnaa inay u yeeshaan waxyaabaha dulucda iibka ku jira, sumcadda iyo cudduda shaqaale ee fulinaysay beehista.
- c) Waa in leeyihiin awood sharci oo ay ku gali karaan beehista.
- d) Waa inayna noqon kuwa khasaaray, kacay ama la xidhayo ama ganacsigii ay ku jireen aan laga xanibin ama waa dacwad sharci oo la xidhiidha arimahani ayaa ku socnin.
- e) Waa in ay yihiin kuwo fuliyay waajibaadkii ka saamaa bixinta cashuuraha dawlaga ah.

10. አድራጃ ያለማድረግ
በዚህ አዋጅ አንቀጽ 11 የተደነገገው እንደተጠበቀ ሆኖ ማንኛውም ዕጩ ተወዳዳሪ በዚህን ባለ-ገዢ ወይም ከመወዳዳሪያ መስፈርቶች ጋር ባልተያያዙ ሌሎች ምክንያቶች በመግባት ግዥ ተሳታፊ እንዳይሆን ሊደረግ አይችልም።

11. ልዩ አስተያየት

- 1. በጨረታ ግምገማ ወቅት:-
 - ሀ/ በኢትዮጵያ የተመረቱ ዕቃዎች አስከ 15%
 - ለ/ በኢትዮጵያ ከባንያዎች የሚያከናውኑ የግንባታ ዘርፍ ስራዎች አስከ 7.5% ልዩ አስተያየት ይደረግላቸዋል።
- 2. ለዚህ አንቀጽ ንዕስ አንቀጽ 1 አፈጻጸም ማናቸውም ዕቃ ከዋጋው ከ20% በላይ በኢትዮጵያ ውስጥ የታከለ ከሆነ በኢትዮጵያ እንደተመረቱ ይቆጠራል።

12. የግንኙነት ስልት

- 1. በመንግስት መ/ቤቶችና በዕጩ ተወዳዳሪዎች የሚደረጉ ግንኙነቶች በጽሁፍ መደረግ አለባቸው።
- 2. ቢሮው የመረጃ ልውውጡን ትክክለኛነትና በማስጠበቅ መጠበቅን ማረጋገጥ የሚያስችሉ ሥርዓቶች መዘርጋታቸውንና በቴክኒክ ረገድ ተፈላጊ ሁኔታዎች መግለጻቸውን ሲያረጋግጥ ከጽሁፍ በተጨማሪ ወይም በጽሁፍ ምትክ በኤሌክትሮኒክስ ዘይቤ ግንኙነት እንዲደረግ ሊፈቀድ ይችላል።

13. የዕጩ ተወዳዳሪዎች ብቃት

- 1. በማናቸውም የመንግስት ግዥ ለመሳተፍ ዕጩ ተወዳዳሪዎች ከዚህ በታች የተዘረዘሩትን ግዥ ፈጻሚ አካላት ከግዥው ልዩ ባህርይ በመንግስት የሚያወጧቸውን ሌሎች መስፈርቶች ማሟላት አለባቸው።
 - ሀ/ በሚገቡት ውል መሰረት ለመፈጸም የሚያስችል የሙያና የቴክኒክ ብቃት የፈይናንስ አቅም መሣሪያና ሌሎች የመገልገያ ሥራዎች ግዥ። በሚፈጸምበት ተግባር የስራ አመራር ችሎታ መልካም ዝናና የሰው ሃይል ያላቸው።
 - ለ/ ውል ለመፈጸም የሚያስችል የሕግ ችሎታ ያለው።
 - ሐ / በዕዳ ያልተያዘ ያልከለረ ወይም የስራ እንቅስቃሴውን ያላቋረጠ የንግድ ስራ እንቅስቃሴው ያልታገደ ወይም በነዚህ ምክንያቶች ተከሶ በከርከር ላይ ያልሆነ

መ/በኢትዮጵያ የግብር ሀጎች በተደነገገው መሰረት የግብርና የክስ ግዴታውን የተወጣ

10. Non-discrimination
Without prejudice to A this proclamation, candidates shall not be excluded from participating in public procurement on the basis of nationality, race, religion or any other criterion not having to do with their qualifications.

- 11. Preference.**
 - 1. A preference margin of 15% shall be granted to goods produced in Ethiopia.
 - b) For works carried out by Ethiopian companies, a preference margin shall be granted during the evaluation process.
- 2. For the purpose of Sub-section 1 of this value added clause, goods shall be defined as one that has not been further processed in Ethiopia.

12. Forms of Communication
1. Communications between the procuring entities shall be in writing.
2. Subject to necessary safeguards, electronic communication may be used in addition to written communication.

13. Qualification of candidates

- 1. In order to participate in public procurement candidates must meet the following criteria, such other criteria, as the procuring entity considers appropriate in the circumstances:
 - a) That they possess the professional & technical qualification and financial resource equipment and other physical facilities,
 - b) managerial capabilities, experience in the procurement object, and the personnel to perform the contract.
 - c) That they have the legal capacity to enter into the contract.
 - d) That they are not insolvent, in receivership, bankrupt or have had their business wound up, their business operations have not been suspended and they are not the subject of legal proceedings, any of the foregoing that they have not fulfilled their obligations to pay taxes according to tax laws.

2. Xafiiska mas'uulka ah fulitaanka iibku si uu u xaqiijiyo iney tartameyaasha ku meel-gaadhka ahi yihiin kuwo buuxinaya dhammaanba shuruudaha lagu faah-faahiyey farqadal^{aad} ee qodobkan, wuxuu ka codsan karaa foomamka caddeynta xogaha loo baahan yahay iney keenaan ama sidey u keeni lahaayeen xogaha kale ee iibka laga hadlayo saameynta la leh.
3. Shuruudo kasta oo lagu xeeriyay qodobkan, waa in lagu xuso dhokumantiga qandaraaska, isla markaana waa in ka qayb galayaasha oo dhan si siman loogu dhaqaa
4. Xafiiska iibka samaynayaa waa inuu qiimeyn ku sameeyo caddeymaha kartiyeed ee ka qayb galayaasha isagoo raacaya shuruudaha iyo hanaanka ku cad dhokumentiyadan lagu xusay farqada 3^{aad} ee qodobkan.
5. Xafiiska iibkan dhaqan-gelinayaa wuxuu awood u leeyahay inuu liiska tartameyaasha ka saaro, tartamihii dokumentiga uu xafiiska u soo gudbiyey, dulucdiisa laga belo, khalad (khaladyo) muhiim ah, kaasina waa kan ay dokumentigiisa ka cad yihiin inaanu lahayn karti la taaban karo marka laga eego dhinaca caddeynta kartida ee heerka labaad, ku cadaato inaanu xag qalab, xirfadeed, takhasus, maaliyadeed iwm buuxinaynin shuruudaha laga doonayo, sidaas awgeedna xafiisku uu ka saari karaa liiska wakhtigii uu doono maadaama xogaha oo tartamuhu soo gudbiyey yihiin kuwo lagu saleeyey caddeymo aan sax ahayn.
6. Xafiisku si uu u xaqiijiyo iney tartameyaashu yihiin kuwo buuxin kara dhammaanba shuruudaha lagu faah-faahiyey qodobkan farqadiisa 1^{aad} xarafka ka bilowda (b) illaa xarafka (x) xafiisku si hawlaha uu qabanayaa ugu fududaadaan awgeed xogaha ay u soo gudbiyeen tartameyaasha asagoo hannaan maareyneed oo dhakhso badan ku baadhay ayaa wuxuu tartameyaasha siiyaa shahaadada diiwaan-gelinta, xogtan uu helayna waa inuu wakhti walba cusbooneysiisayaa xafiisku caddeyn kooban oo xanbaarsan liiska "tartameyaasha intuu diyaariyo waa inuu shaqaalaha xafiiskiisa iyo tartameyaashaba siiyaa markii ay ka codsadaan. Wuxuu xafiisku soo saaraa wareegto lagu go'aaminayo nidaamka lagu hagayo diiwaan-gelinta tartameyaasha, Faahfaahinta dhinaca farsamada

Qod 14^{aad} - Qeexida farsamo

1. Farsamada iyo faahfaahinta tilmaamaya dabeecadaha, qalabka, shaqooyinka/adeegyada qorshaysan in la soo iibiyoo waa in loo diyaariyo qaab ujeeddadiisu tahay bixinta, faahfaahin sax ah, isla markaana dhamaystiran oo ku saabsan shayga iibku khuseeyo iyo in loo diyaariyo qaab ujeeddadiisu tahay abuurida xaalado ku habboon qabashada tartan cadaalad ah, isla markaana furan oo dhex mara tartameyaasha oo dhan.
2. Qeexitaanka dhinaca farsamadu waa inuu si cad u muujiyaa baahida xafiiska wax loo soo iibinayo marka laga eego xaga tayada, kartida wax-qabad ee dhinaca badbaadada iyo baaxadaha, calaamadaha erayada la adeegsanayo, qaabka loo cabbanayo, summadeynta iyo ku dhejitaanada ama geedi-socodka hawlaha iyo hannaanka lagu soo saarayo iyo weliba waxyaabaha loo baahan yahay ee la xidhiidha qiimeynta lagu samaynayo siday u waaafaqsan yihiin hannaanada lagu shaqeyo.

2. "ገዥ ፈጻሚው አካል ዕጩ ተወዳዳሪዎች በዚህ አንቀጽ ንዕስ አንቀጽ 10 የተዘዘሩት መስፈርቶችን የሚያሟሉ መሆኑን ለማረጋገጥ አስፈላጊ የሆኑ የሰነድ መረጃዎችን ወይም ሌሎች መረጃዎችን እንዲያቀርቡ ለመጠየቅ ይችላል።
3. በዚህ አንቀጽ መሰረት ዕጩ ተወዳዳሪዎች እንዲያሟሉ የሚጠበቁት መስፈርቶች በጨረታ ሰነድ ወይም የተጫራቶች የመወዳደሪያ ሃሳብ ለመጠየቅ በሚዘጋጁ ሰነዶች ውስጥ መመልከት ያለባቸው ሲሆን በሁሉም የተጫራቶች ላይ በኩልነት ተፈጻሚ መሆን አለባቸው።
4. ገዥ ፈጻሚው አካል በዚህ አንቀጽ ንዕስ አንቀጽ 3 መሰረት የሚቀርቡትን ሰነዶችና የመመዘኛ መስፈርቶችን መሰረት በማድረግ የዕጩ ተወዳዳሪዎችን ብቃት መገምገም አለበት።
5. ገዥ ፈጻሚ አካል ብቃት ያለቸው መሆኑን ለማስረዳት ሐሰተኛ መረጃ የያዙ ሰነዶችን ያቀረብ ዕጩ ተወዳዳሪዎች ወይም ብቃታቸውን ለማረጋገጥ የቀረቡት መረጃ መስፈርቶች ስተት ያለበት ወይም ያልተሟላ መሆኑ በማናቸውም ጊዜ የተረጋገጠ ዕጩ ተወዳዳሪዎች ከጨረታ ዉጪ እንዲሆኑ ለመወሰን ይችላል።
6. በዚህ አንቀጽ ንዕስ አንቀጽ 1 ከሀ/ አስከ/ መ/ የተዘዘሩትን መስፈርቶች ዕጩ ተወዳዳሪዎች የሚያሟሉ መሆኑን ለማረጋገጥ የሚከናወነውን ተግባር ቀላል ለማድረግ ቢሮው ከዕጩ ተወዳዳሪዎች የሚቀርቡ መረጃዎችን በተቀላጠፈ አሰራር በመመርመር የምዝገባ የምስክር ወረቀት ይሰጣል። ይህ መረጃ በየጊዜው ወቅታዊ መደረግ አለበት። የአቅራቢዎችን ዝርዝር የሚይዝ አጭር መግለጫ ተዘጋጅቶ አካላት በሚጠይቁበት ጊዜ መስጠት አለበት። ቢሮው የአቅራቢዎችን አመዘጋገብ ሥርዓት የሚወስን ዝርዝር መመሪያ ያወጣል።

14. የዕቃና አገልግሎት ዝርዝር

1. ስለገዥው ምንነት ትክክለኛ የተሟላ መግለጫ እንዲኖር እንዲሁም ዕጩ ተወዳዳሪዎች ፍትሃዊና ግልጽ በሆነ ሁኔታ መወዳደር የሚችልበትን ሁኔታ ለማመቻቸት ገዥ ፈጻሚ አካላት የሚዝገቡባቸውን ዕቃዎች የግንባታ ሥራዎች ወይም አገልግሎት ባህርይ የሚያሳይ የተከናወነ ዝርዝር ወይም መግለጫ ማዘጋጀት አለባቸው።
2. የተከናወነ መግለጫው ገዥ ፈጻሚው አካል ሊገባ የሚፈለገውን ዕቃ ጥራት ጠቀሜታ ጉዳት የሚያደረስ መሆኑን መለኪያውን መለያውን መጠሪያው አስተሳሰቡን ምልክቱን ወይም የአመራራቱን ሂደት ዘዴ እና ተፈላጊውን የሚያሟላ መሆኑን የሚያረጋግጥበት ሥርዓት የሚገልጽ መሆኑን አለበት።

2. The procuring entity shall ensure that all candidates to provide documentary evidence shall satisfy itself that they are qualified in accordance with the requirements referred to in Sub-Article 14.1.
3. Any requirement established in this Article shall be applied to all documents or other information submitted in response to the solicitation of proposals equally to all candidates.
4. The procuring entity shall ensure that the qualifications of candidates are in accordance with the requirements and procedures set forth in the rules referred to in Sub-Article 14.2.
5. The procuring entity shall ensure that a candidate who submits a proposal containing basic errors in qualification, it may do so at any time that the candidate has not submitted concerning the qualifications of the candidates, provided that the information is inaccurate or materially false.
6. In order to simplify the process of demonstrating and verifying the qualifications of candidates, the procuring entity shall set out in Sub-Article 14.3 (A) - (d), the bureau shall ensure that the speedy manner and recording of evidence submitted by registered supplier shall be periodically updated from the record shall be available to registered candidates or entities on request. The detailed rules concerning the procedure.

14. Technical specifications

1. Technical specifications shall include laying down the characteristics of the goods work or services to be procured. The specifications shall be prepared for the purpose of giving a correct and complete description of the object and for the purpose of ensuring conditions of fair and open competition between all candidates.
2. The technical specifications shall describe the procurement requirements with respect to performance symbols, packaging, marking and identification processes and methods and requirements relating to the procedures.

j) Xaddeynta ku cad awaamiirta iibka sideeda, iyada oo loo dhawrayo xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore loo arko in loo baahan yahay fulinta hawl-dheeraad ah oo la xidhiidha qaybta dhismaha iyo arrin farsamo ama dhaqaale sababo salka ku haya awgood marka shaqooyinka dheeriga ah ee dhismaha loo arko inaan heshiiskii hore inta gaar looga saaro in la qabto aan la suurto-gelin Karin.

x) Xaddeynta lagu qeexayo awaamiirta iibka iyada oo sideeda loo dhawrayo qofka qandaraaska ku guulaystay mid si cad ama xeelada tartanka qandaraaska ee xidhan markii lagu soo xulay ka dib, heshiiska la galay, mashruucii hore hawlaha lagu fuliyey kuwo la mid ah sidii mar labaad loo samayn lahaa maadaama loo baahday in heshiis cusub oo ku saabsan shaqooyinka qaybta dhismaha in la gala ay noqoto mid loo baahan yahay;

kh) Xaddeynta lagu qeexayo awaamiirta iibka iyada oo sideeda loo dhawrayo, heshiiskii hore ee ku saabsana adeegga la talintu inuu si lagu qanacsan yahay ku dhaqan-galay iyo in la sameeyo sidii heshiiskaasi loo sii wadi lahaaba mid tashiil iyo firfircoonaan hawleedba mid helitaankeeda horseedaya in uu yahay maadaama la xaqiijiyey sii wadidida adeegana loo arko baahi in loo qabo.

Qod 20^{aad} - Shuruudaha looga baahan yahay isticmaalka foomka codsiga iibka

Hay'adda iibka fulinaysa iyadoo waafajinaysa shuruudaha ku qeexan qodobka 38^{aad} wuxuu codsiga foomka tartanka iibka marka uu rabo inuu fuliyo heshiis adeeg la talina ama ay tahay heshiis guud ahaan 50% alaabta loo rabo iibku tahay mid bixinaysa adeeg la talineed.

Qod 21^{aad} - Shuruudaha looga baahan yahay iibka ku salaysan peerfooma

Hay'adda iibka fulinaysa iyadoo waafajinaysa awaamiirta qodobka 39^{aad} ee iibka la xidhiidha qiimaha lagu xusay foomka codsiga iibka waa in ay noqdaan kuwo aan ka badnayn qiimaha uu xafisku ugu cayimo awaamiirta uu soo saaro ama alaabta ay iibsanaayan tahay mid suuqa diyaar ah ama shaqooyinka dhismaha oo suuqa ku caan ah ama adeegyo.

Qod 22^{aad} - Shuruudaha qandaraasyada mara laba meerto

Marka ay jiraan shuruudaha hoos ku xusan, ayay hay'adda iibka fulinaysa kartaa qandaraas laba darajo leh si waafaqsan qodobka 40^{aad} ee bayaankan.

1. Marka xafiiska aanay suuro-gal u ahayn, una diyaarin Karin faah-faahinta alaabtu ay adag tahay in la kala sooco dabeecada adeegyada qaabkaasi ah, isla markaana xafiisku uu baahi weyn ee uu qabo iibka wuxuu ku xalin

b) Marka uu rabo in la dhaqan-geliyo koobiga qiimaha ku salaysan ama tartanka alaabaha iyo adeegyada foomka lagu codsaday.

t) Marka uu rabo inuu gorgortan la galo shirkadaha dhismaha ama cidda keenta alaabada iyo adeegyada ay iibsanaayan dabeecadooda ama noocooda

2. Marka uu rabo inuu galo heshiis ujeeddadiisu tahay in cilmi baadhis, daraasad ama shaqooyinka horumarinta waxaan ka ahayn alaabta suuq kasta taala mid korodh keeni karta ama yarayn karta kharashadka cilmi-baadhista iyo horumarinta.

dh) Niyati soosocsi foomka codsiga iibka iyada oo loo dhawrayo xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore loo arko in loo baahan yahay fulinta hawl-dheeraad ah oo la xidhiidha qaybta dhismaha iyo arrin farsamo ama dhaqaale sababo salka ku haya awgood marka shaqooyinka dheeriga ah ee dhismaha loo arko inaan heshiiskii hore inta gaar looga saaro in la qabto aan la suurto-gelin Karin.

so/ Niyati soosocsi foomka codsiga iibka iyada oo loo dhawrayo xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore loo arko in loo baahan yahay fulinta hawl-dheeraad ah oo la xidhiidha qaybta dhismaha iyo arrin farsamo ama dhaqaale sababo salka ku haya awgood marka shaqooyinka dheeriga ah ee dhismaha loo arko inaan heshiiskii hore inta gaar looga saaro in la qabto aan la suurto-gelin Karin.

u/ Niyati soosocsi foomka codsiga iibka iyada oo loo dhawrayo xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore loo arko in loo baahan yahay fulinta hawl-dheeraad ah oo la xidhiidha qaybta dhismaha iyo arrin farsamo ama dhaqaale sababo salka ku haya awgood marka shaqooyinka dheeriga ah ee dhismaha loo arko inaan heshiiskii hore inta gaar looga saaro in la qabto aan la suurto-gelin Karin.

20. Condition for Use of Restricted Bidding

Niyati soosocsi foomka codsiga iibka iyada oo loo dhawrayo xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore loo arko in loo baahan yahay fulinta hawl-dheeraad ah oo la xidhiidha qaybta dhismaha iyo arrin farsamo ama dhaqaale sababo salka ku haya awgood marka shaqooyinka dheeriga ah ee dhismaha loo arko inaan heshiiskii hore inta gaar looga saaro in la qabto aan la suurto-gelin Karin.

21. Condition for Use of Restricted Bidding

Niyati soosocsi foomka codsiga iibka iyada oo loo dhawrayo xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore loo arko in loo baahan yahay fulinta hawl-dheeraad ah oo la xidhiidha qaybta dhismaha iyo arrin farsamo ama dhaqaale sababo salka ku haya awgood marka shaqooyinka dheeriga ah ee dhismaha loo arko inaan heshiiskii hore inta gaar looga saaro in la qabto aan la suurto-gelin Karin.

22. Condition for Use of Restricted Bidding

Niyati soosocsi foomka codsiga iibka iyada oo loo dhawrayo xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore loo arko in loo baahan yahay fulinta hawl-dheeraad ah oo la xidhiidha qaybta dhismaha iyo arrin farsamo ama dhaqaale sababo salka ku haya awgood marka shaqooyinka dheeriga ah ee dhismaha loo arko inaan heshiiskii hore inta gaar looga saaro in la qabto aan la suurto-gelin Karin.

1. Niyati soosocsi foomka codsiga iibka iyada oo loo dhawrayo xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore loo arko in loo baahan yahay fulinta hawl-dheeraad ah oo la xidhiidha qaybta dhismaha iyo arrin farsamo ama dhaqaale sababo salka ku haya awgood marka shaqooyinka dheeriga ah ee dhismaha loo arko inaan heshiiskii hore inta gaar looga saaro in la qabto aan la suurto-gelin Karin.

u/ Niyati soosocsi foomka codsiga iibka iyada oo loo dhawrayo xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore loo arko in loo baahan yahay fulinta hawl-dheeraad ah oo la xidhiidha qaybta dhismaha iyo arrin farsamo ama dhaqaale sababo salka ku haya awgood marka shaqooyinka dheeriga ah ee dhismaha loo arko inaan heshiiskii hore inta gaar looga saaro in la qabto aan la suurto-gelin Karin.

dh/ Niyati soosocsi foomka codsiga iibka iyada oo loo dhawrayo xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore loo arko in loo baahan yahay fulinta hawl-dheeraad ah oo la xidhiidha qaybta dhismaha iyo arrin farsamo ama dhaqaale sababo salka ku haya awgood marka shaqooyinka dheeriga ah ee dhismaha loo arko inaan heshiiskii hore inta gaar looga saaro in la qabto aan la suurto-gelin Karin.

2. Niyati soosocsi foomka codsiga iibka iyada oo loo dhawrayo xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore loo arko in loo baahan yahay fulinta hawl-dheeraad ah oo la xidhiidha qaybta dhismaha iyo arrin farsamo ama dhaqaale sababo salka ku haya awgood marka shaqooyinka dheeriga ah ee dhismaha loo arko inaan heshiiskii hore inta gaar looga saaro in la qabto aan la suurto-gelin Karin.

c) Within limits defined in the procurement directives, the procuring entity may procure additional works which were not included in the initial contract through unforeseeable circumstances which become necessary since the award of the additional works. The award of the additional works under the original contract would be a technical or economic continuation of the contract.

d) Within limits defined in the procurement directives, the procuring entity may procure additional works which were not included in the initial contract through unforeseeable circumstances which become necessary since the award of the additional works. The award of the additional works under the original contract would be a technical or economic continuation of the contract.

e) Within limits defined in the procurement directives, the procuring entity may procure additional works which were not included in the initial contract through unforeseeable circumstances which become necessary since the award of the additional works. The award of the additional works under the original contract would be a technical or economic continuation of the contract.

20. Condition for Use of Restricted Bidding Proposal

The procuring entity may procure additional works which were not included in the initial contract through unforeseeable circumstances which become necessary since the award of the additional works. The award of the additional works under the original contract would be a technical or economic continuation of the contract.

21. Condition for Use of Restricted Bidding Quotation

The procuring entity may procure additional works which were not included in the initial contract through unforeseeable circumstances which become necessary since the award of the additional works. The award of the additional works under the original contract would be a technical or economic continuation of the contract.

22. Condition for use of Restricted Bidding Tendering

Procurement entities may procure additional works which were not included in the initial contract through unforeseeable circumstances which become necessary since the award of the additional works. The award of the additional works under the original contract would be a technical or economic continuation of the contract.

1. When it is not feasible for the procuring entity to formulate detailed specifications for the goods or works or in services to identify their characteristics and in order to obtain a satisfactory solution to its problem, the procuring entity may procure additional works which were not included in the initial contract through unforeseeable circumstances which become necessary since the award of the additional works. The award of the additional works under the original contract would be a technical or economic continuation of the contract.

a) It seeks bids, proposals or quotations through various possible means of procurement to meet its needs.

b) Because of the technical characteristics of the goods or works or because of the nature of its services it is necessary for the public body to negotiate directly with the suppliers.

2. When the procuring entity seeks to enter into a contract for the purpose of study or development except where the contract includes the production of goods in quantities sufficient to establish commercial viability or to cover research and development costs.

3. Marka tartanka la qabto laakiin ay cidna tartamin ama dhammaan tartameyaashu ay ku dhaceen tartanka Isla markaana xafiisku uu aaminsan yahay haddii uu tartan kale dhajiyo in aanay wax natiijo oo ka duwan keeni Karin.

**Qaybta Shanaad
Tartanka Xorta ah**

Qod 23^{aad} - Ogeysiiska tartanka

- 1. Ogeysiiska tartanka qandaraaska waa in lagu soo saaro jaraa'idka wadanka aadka looga akhristo.
- 2. Muddada diyaarinta iyo xeraynta tartanku waa in ayna ka yaran muddada lagu qeexay awaamiirta iibka.

Qod 24^{aad} - baqa tartanka qandaraaska

Baqa tartanka qandaraasku waa in uu ka koobnaado arrimaha hoos ku xusan:-

- 1. Magaca iyo ciwaanka qa'ndaraas bixiyaha.
- 2. Faahfaahin kooban oo la xidhiidha muddada la rabo alaabada, ama in shaqada dhisme iyo adeeg ay dhamaato.
- 3. Shuruudaha looga baahan yahay tartameyaashu in ay helaan dhokumentiga tartanka iyo goobta ay ka helayan.
- 4. Goobta la geynayo dhokumentiga iyo muddada ugu danbaysa ee lagu xeraynayo.
- 5. Ogeysiis la xidhiidha goobta, muddada tartanka la furi iyo sidoo kale in ay tartameyaashu wakhtiga furitanka tartanka ay goob-joog noqoon karan

Qod 25^{aad} - Dhokumentiyada qandaraaska

1. Si tartanku uu u noqdo mid dhamaystiran cadaaliya, madax-banaan islamarkaana ku salaysan siinaan, waa in dhokumentiga tartanku uu noqdo mid ay ku dhamaystiran yihiin macluumaad dhamaystiran, siiba arrimaha hoos ku xusan:-

- b) Awaamiir tilmaamaysa qaabka loo diyaarin iyo nidaamka loo soo gudbinayo.
- c) Macluumaad qeexaya muddada ugu danbaysa ee la xeerinayo dhokumentiga, addresska lagu xeraynayo, maalinta, meesha iyo saacada la furayo tartanka iyo sidoo kale in ay goob jog ka noqdaan furitanka tartanka dhammaan tartameyaasha ama wakiiladoodu.
- d) Foomamka tartanka iyo haddii loo bahdo foomamka damaanada ee tartanka.
- e) Dhammaan koobiyada loo baahan yahay in la raaciyo originaalka.
- f) Shuruudaha guud iyo gaar ahaaneed ee heshiiska.
- g) Hadba sida ay munaasibka u tahay muddada lagu keeni karo alaabta ama shaqada lagu dhamaystiri karo iyo nooca alaabta ama adeega oo faah-faahsan.
- h) Warbixin tilmaamaysa in tartameyaashu ay leeyihiin awood fulineed, nooca ay tahay caddeymaha ay keensadeen iyo sidoo kale tamartooda miisaaniyadeed iyo in ay ka mid yihiin hay'addaha loo diiwaan-geliyey in alaabaha soo dajiyaan.
- i) Muddada uu tartanku dhegsananayo.
- j) Shuruudaha qiimeeynta ee lagu ogaado cidda ku guulaysanaysa iyo shuruud kasta dhiicaha ay leedahay.
- k) xususin in Hay'adda qandaraaska bixinaysi ay xaq u leedahay in ay ka noqon karto tartanka, ka hor inta ayna soo bandhigin cidda ku guulaysatay tartanka

3. **ጨረታ እንዲወጣ ተደርጎ ተጨራቾች ያልቀረቡ እንደሆነ ወይም የቀረቡት ተጨራቾች ውድቅ ሲደረጉና አጠራጣሪ ነው ብሎ ሲያምን፡**

**ምዕራፍ አምስት
ገልፅ ጨረታ**

23. የጨረታ ማስታወቂያ

- 1. የጨረታ ማስታወቂያ አገራዊ ሽፋን ባለው ቢያንስ አንድ ጋዜጣ ላይ መውጣት አለበት።
- 2. ለዕጩ ተወዳዳሪዎች ለጨረታ ማቅረቢያ የሚሰጠው ጊዜ በግዥ መመሪያ ከሚወሰነው አነስተኛ የቀን ብዛት ያነሰ መሆን የለበትም።

24. የጨረታ ጥሪ

የጨረታ ጥሪ ቢያንስ የሚከተሉትን መያዝ ይኖርበታል።

- 1. የግዥ ፈጻሚውን አካል ስምና አድራሻ
- 2. ዕቃው መቅረብ ወይም ስራው መጠናቀቅ ያለበትን ጊዜ ጨምሮ የዕቃውን የግዝታ ሥራውን እና የአገልግሎቱን አጭር መግለጫ።
- 3. የጨረታውን ሰነድ ለማግኘት መሟላት ለባቸውን ቅድመ-ሁኔታዎች እና የጨረታ ሰነድ የሚገኝበትን ቦታ
- 4. የጨረታ መወዳደሪያ ሀሳብ የሚቀርብበት ቦታ እና የማቅረቢያው የመጨረሻ ጊዜ
- 5. ጨረታው የሚከፈትበት ቦታ እና ጊዜ እንዲሁም ተጨራቾች ወይም ተወካዮች ጨረታው ሲከፈት መገኘት የሚችሉ መሆኑን የሚገልጽ ማሳሰቢያ።

25. የጨረታ ሰነድ

- 1. በተጨራቾች መካከል የሚደረገው ውድድር በተሟላ ገለልተኛና ተጨባጭ መሰረት ባለው ሁኔታ እንዲካሄድ ለማድረግ የጨረታው ሰነድ በቂ መረጃ የያዘ መሆን አለበት። በተደም ሰነድ የሚከተሉትን ሊያካትት ይገባል።
 - ሀ/ የጨረታ ሰነድን ለማዘጋጀትና ለማቅረብ አስፈላጊ የሆኑ መመሪያዎችን
 - ለ/ የጨረታ ሰነድን ማስረከቢያ የመጨረሻ ቀን የጨረታው ሰነድ የሚከተሉትን አድራሻ የጨረታው ሰነድ የሚከፈትበትን ቀን ሰዓት እና ቦታ እንዲሁም ተጨራቾች ወኪሎች በጨረታው መካከል ስነ-ስርዓቶች ላይ ሊገኙ የሚችሉ መሆኑን የሚገልጽ መረጃ
 - ለ/ የጨረታ መወዳደሪያ ደንብ ማቅረቢያ ቅጾች እንዲሁም አግባብና አስገላጭ ድረስ የጨረታ ማስከበሪያ ቅጾች።
 - መ/ ከዋናው የጨረታ ሰነድ ጋር መቅረብ ያለባቸውን ተጨማሪ ኮፒዎች
 - ሠ/ የውሉን አጠቃላይ እና ልዩ ሁኔታዎች
 - ረ/ እንደአግባብነቱ ዕቃውን ለማቅረብ ወይም ስራውን ለማጠናቀቅ ይወስዳል ተብሎ የሚገመተውን የጊዜ ገደብ ጨምሮ ተፈላጊውን የዕቃና አገልግሎት ዝርዝር
 - ሰ/ ተጨራቾች መጨረታው ለመሳተፍ ብቃት ያለው መሆን ለማረጋገጥ የሚያቀርባቸውን መረጃዎች አይነት እንዲሁም የፋይናንስ አጭርና በአቅራቢዎች ዝርዝር ውስጥ የተመዘገበ መሆኑን ለማረጋገጥ ማቅረብ ያለበትን መረጃ
 - ሸ/ ጨረታው ሆነቶ የሚቆይበትን ጊዜ
 - ቀ/ ጨረታውን ለመገምገም እና በጨረታው አሸናፊ የሆነውን ለማሳወቅ የሚያስችሉ መስፈርቶችን እና ለአያያድንድ መስፈርት የተሰጠውን ነጥብ
 - በ/ ግዥውን የሚፈጽመው አካል የጨረታውን አሸናፊ ይፋ ከመደረጉ በፊት በማናቸውም ጊዜ ጨረታውን ለመሰረዝ መብት ያለው መሆኑን።

3. When bid proceeding have in but no bids where subm were rejected by the procu when, in the judgment of entity , engaging in new bi

**Chapter V
Open tendering
23. Adverti**

- 1. Invitation to bid shall be a least one national newspa circulation.
- 2. The time allowed for prep shall not be less than a min of days stated in the directives.

24. Invitation to B

The invitation to bid shall minimum

- 1. The name and address of entity
- 2. A brief description of the or services to be obtain desired time limit for completion.
- 3. The means and conditions the bid documents and th which they may be obtaine
- 4. The place and deadlin submission of bids, and
- 5. The place and time for ope along with an announc bidders or their represe allowed to attend the openin

25. Bid Documents

- 1. The bid documents sh sufficient information competition among the bids on the basis of complete, objective terms. In particul ments must include
 - a) Instruction for the prep submission of bids
 - b) Information on the final dat of bids, the address to whic be sent, the date, hour a opening as well as an annou bidders representatives are attend the opening,
 - c) Forms of bid and, where forms of bid security to be pr
 - d) Number of copies to be subm
 - e) Conditions of contract, g special
 - f) Specification of requirement time limit for delivery or con
 - g) Evidence to be provided by demonstrate its qualification its standing with regard to f registration in the suppliers li
 - h) The period during which th remain valid
 - i) The criteria and the points g criterion for evaluation of t award of the contract and
 - j) A reservation to the effec procuring entity may reject any time prior to the acceptan

