



DAWLADDA DEEGAANKA SOOMAALIDA
DHOOOL GAZETA
Somali Regional State
የሶማሌ ክልላዊ መንግሥት

<p>Qimaha የንዱ ዋጋ Unit Price 34.05</p>	<p>Dhool Gazeta Waxaa soo Saara Baarlamaanka Dawladda Deegaanka soomaalida</p>	<p>✉ 205</p>
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Bayaan Tirsi 82/2002
Bayaanka Maamulka Hantida & Iibka ee Dawladda Deegaanka Soomaalida

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 የሶማሌ ብሔራዊ ክልላዊ መንግሥት የግዥ እና የንብረት አስተዳደር አዋጅ

PROCLAMATION NO. 82/2010
 THE SOMALI REGIONAL STATE
 PROCUREMENT AND
 PROPERTY ADMINISTRATION
 PROCLAMATION

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Dawladda Degaanka Soomaaliddu; Markii la arkey muhiimadda in la xaliyo dhibaatooyinka ka soo baxay mudadii lagu shaqaynayay Bayaankii Nidaamka Iibka dawladda ee tirsigiisu ahaa 60/1999 loona baahan yahay in nidaamka iibka dawladdu noqdo mid ku dhisan caddalad, eex la'aan, hufnaan iyo waliba sidii loo xaqiijin lahaa lacagta faraha badan ee dawladda ee lagu bixiyo iibka loo isticmaalo sida ugu dhaqaalaysan ee ugu mdha dhalka fiican;

Markii la arkey muhiimadda hay'ad xaqiijisa habsami- u-socodka iyo faa'iidada dhaqaale ee lagahelayo hirgalinta iibka isku-duubka ah;

Markii la garawsadey muhiimadda in la sameeyo nidaam hufan oo sahla siday hantida dawladda ee lacagta faraha badani gasho u noqon lahayd mid loo isticmaalo sida ugu waxtarka badan dawladda iyo siduu maamulkeedu u noqon lahaa mid casri ah;

Haddaba, iyadoo laga duulayo qodobka 49 (3, b) ee Dastuurka dib loo habeeyay ee deegaanka Soomaalida, ayaa sida hoos ku xusan la bayaamiyay;

የሶማሌ ብሔራዊ ክልላዊ መንግሥት የመንግሥት ግዥ ሥርዓትን ለመወሰንና ተቆጣጣሪ ቢሮውን ለማቋቋም የወጣው አዋጅ ሥራ ላይ በዋለባቸው ዓመታት በአፈፃፀም ያጋጠሙ ችግሮችን በማስወገድ የመንግሥት የግዥ ሥርዓት ይበልጥ ግልፅ፣ ቀልጣፋ፣ ፍትሃዊና አድልዎ የሌለበት እንዲሁም ለግዥ የሚውለው ከፍተኛ የመንግሥት ገንዘብ በተሻለ አኳኋን ቁጠራን እና ውጤታማነትን ማረጋገጥ በሚያስችል ሥርዓት ጥቅም ላይ እንዲውል ማድረግ አስፈላጊ ሆኖ በመገኘቱ፣ ከጥቅል ግዥ የሚገኘውን ኢኮኖሚያዊ ጠቀሜታ እና ቀልጣፋ አሠራር ማረጋገጥ የሚያስችል አደረጃጀት እንዲኖር ማድረግ አስፈላጊ በመሆኑ፣

ከፍተኛ ሀብት የሚፈሰበት የመንግሥት ንብረት ለመንግሥት የተሻለ ጥቅም በሚያስገኝ አኳኋን ጥቅም ላይ እንዲውል እና አስተዳደሩም ዘመናዊ እንዲሆን ለማድረግ የሚያስችል የተቀናጀ ሥርዓት ሊዘረጋ እንደሚገባ የታመነበት ስለሆነ፣

የሶማሌ ብሔራዊ ክልላዊ መንግሥት ሕገ-መንግሥት አንቀጽ 49 (3/ሀ) መሠረት የሚከተለው ታውጇል፡፡

WHEREAS, to achieve better transparency, efficiency, fairness and impartiality in public procurement and to enable the utilization of the large sum of public money spent on procurement in a manner that ensures greater economy and efficiency by addressing problems encountered in the course of implementation of the Proclamation Determining the Procedures of Public Procurement of the Somali Regional State during the years in which it was enforce;

WHEREAS, it is necessary to ensure that an organization, enabling the realization of the economic benefit and efficiency flowing from bulk purchase in place.

WHEREAS, to ensure that public property in which a significant amount of public money is invested, is utilized in such a manner as to enable the government device maximum benefit therefrom and modernize the administration thereof, it is necessary to introduce an integrated public property administration.

NOW, THEREFORE, in accordance with Article 49(3, A) of the revised Constitution of the Somali Regional State, it is hereby proclaimed as follows;

Qaybta koowaad
Guud ahaan

ምዕራፍ ስንድ
ጠቅላላ

CHAPTER I
GENERAL

Qod 1^{aad}-Ciwaan Gaaban

Bayaankan waxa loogu yeedhi karaa "Bayaanka Tirsigiisu yahay 82/2010 ee Mamulka Hantida & Iibka ee Dawlada Deegaanka Soomaalida.

Qod 2^{aad} Qeexid

Bayaankan dhexdiisa:-

- 1) "Qalab" waxa loola jeedaa alaabta qaydhiin, waxyaabaha warshadahu soo saaran, qalabyada kaladuwan sida mashiinada iwm, badecadaha jurmiga adag, kuwa dareeraha ah ama kuwa qaabka naqaska ah (qaab hawo), Softiweerka kombuterka ee Iibka loo talagalay, iyo Xoolaha nool; sidoo kale hawlaha rakibaada, dayactirka, gaadiidka iyo adeegyada kale ee aan qiimuhoodu Ka badneyn qiimaha alaabada ay lasocdaan.
- 2) "Adeeg" waxa loola jeedaa shay kasta oo ka baxsan shaqooyinka dhismaha, iyo adeegyada latalinta: sida dayactirka, waardiya, nadiifinta, korontada, isgaadhsiinta, iyo isticmaalka biyaha.
- 3) "Shaqooyinka dhismaha." wa xa loola jeedaa hawlaha laxidhidha dhismaha, dib u dhisida, casriyaynta, duminta dhismayasha, dayactirka ama cusboonaysiinta, daaraha, jidadka ama qaababka iyo sidookale hawlaha kadiska ku ah shaqooyinka dhismaha haddii aanay qiimahoodu ka badnayn shaqooyinkaasi laftooda waxaana kamid ah qandaraasyada la xidhidha dhis-yeelo-ku-shaqee, dhis-yeelo-ku-shaqee - wareeji, iyo dhis-ku-shaqee-wareeji.

፩. አጭር ርዕስ

ይህ አዋጅ «የሶማሌ ብሔራዊ ክልላዊ መንግሥት የግዥና የንብረት አስተዳደር አዋጅ ቁጥር 82/2002» ተብሎ ሊጠቀስ ይችላል።

፪. ትርጓሜ

በዚህ አዋጅ ውስጥ:-

፩. «ዕቃ» ማለት በጠጣር፣ በፈሳሽ ወይም በጋዝ መልክ የሚገኝ ጥሬ ዕቃ፣ ምርት፣ መሣሪያ፣ ሸቀጥ፣ ለገበያ የተዘጋጀ ሰፍት ዌር፣ እንስሳ ሲሆን፣ ከሚገዛው ዕቃ ጋር ግንኙነት ያለውን እና ከዕቃ-ዎቹ ዋጋ ያልበለጠ ዋጋ ያለው የተከላ፣ የትራንስፖርት የጥገናና ሌላ ተመሳሳይ አገልግሎት ይጨምራል።

፪. «አገልግሎት» ማለት ከዕቃ፣ ከግንባታ ዘርፍ ሥራና ከምክር አገልግሎት ውጪ ያለ ሲሆን፣ የጥገና፣ የጥበቃ፣ የፅዳት አገልግሎት፣ የኤሌክትሪክ ኃይል፣ የቴሌኮሙኒኬሽን እና የውሃ አቅርቦት የመሳሰሉትን ይጨምራል።

፫. «የግንባታ ዘርፍ ሥራ» ማለት ከሕንፃ፣ ከመንገድ ወይም ከመሠረተ-ልማት ሥራ ጋር በተያያዘ የሚከናወን እዲስ የግንባታ፣ የመልሶ ግንባታ፣ ደረጃ የማሳደግ፣ የማፍረስ፣ የጥገና፣ የማደስ ሥራ እንዲሁም ተጓዳኝ የሆነና ከዋናው ሥራ ያልበለጠ ዋጋ ያለው አገልግሎት ሲሆን፣ የመገንባት፣ በባለቤትነት የመያዝ፣ ሥራውን የማንቀሳቀስ፣ የማስተላለፍ፣ ወይም የመገንባት፣ የማንቀሳቀስ፣ የማስተላለፍ ወይም የመገንባት፣ በባለቤትነት የመያዝ እና የማንቀሳቀስ ውሎችን ይጨምራል።

1. Short Title

This Proclamation may be cited as the "The Somali Regional State Public Procurement and Property Administration Proclamation No. 82 /2010".

2. Definitions

In this Proclamation:

1. «Goods» means raw material, products, equipment and commodities in solid, liquid or gaseous form, marketable software and live animals as well as installation, transport, maintenance or similar obligations related to the supply of the goods if their value does not exceed that of the goods themselves;
2. «Services» means any object of procurement other than works, goods and consultancy services: such as maintenance, security, janitorial, electricity, telecommunication and water supply services;
3. «Works» means all work associated with the construction, reconstruction, upgrading, demolition, repair or renovation of a building, road, or structure, as well as services incidental to works, if the value of those services does not exceed that of the works themselves and includes build-own-operate, build- own-operate-transfer and build-operate-transfer contracts;

4) “Adeegyada la talinta” waxa loola jeedaa adeeg kasta oo uu bixinayo/ ay bixinayaan aqoonyahan/aqoonyahano iyo adeeg kasta oo leh dabeecad la talineed, ahna 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 talinta) qabashada tababarada iyo gudbinta aqoonta.

5) “Iibka” waxa loola jeedaa, qalabyadda, shaqooyinka dhismeyaasha iyo adeegyada oo lagu helo iib, kiro ama qaab kasta oo leh dabeecad heshiis..

6) “Xafiis Dawladeed” waxa loola jeedaa hay’addaha dawlada deegaanka, xarumaha Waxbarashada sare iyo qaybaha kale ee dawleda, lehna qaab – dhismeed la mid ah, kuwaas oo ku shaqeeya qayb ahaan ama guud ahaan misaanayada dawledu u qoondayso.

7) ”Lacagta dawladda” waxa loola jeedaa lacagta Khasnadda Dawladda deegaanka looga qoondeeyay xafiis dawladeed ama dakhliga xafiiskaasi si gaar ah u soo saarto, sidoo kale lacag loo heley dayn ama deeq ahaan oo loo qoondeeyey xafiis dawladeed.

8) “Iibka dawlaga” waxa loola jeedaa iibka ay Xafiisyada dawladdu u adeegsadaan lacagta dawleda.

፬. «የምክር አገልግሎት» ማለት አማካሪዎች ያላቸውን ሙያዊ ክህሎት በመጠቀም የሚሰጡት የጥናት፣ የዲዛይን እና ቁጥጥር፣ የተለያዩ ፕሮጀክቶችን የማድረጅት፣ ለደንበኞች ምክር የመስጠት፣ ሥልጠና የመስጠትና ዕውቀትን የማስተላለፍ የአማካሪነት ባህሪ ያለው የአዕምሮ አገልግሎት ነው።

፭. «ግዥ» ማለት ዕቃዎችን፣ የገንባታ ዘርፍ ሥራዎችን እና አገልግሎቶችን በግዥ፣ በኪራይ ወይም በማናቸውም ሌላ ተመሳሳይ ውል ማግኘት ነው።

፮. «የመንግሥት መሥሪያ ቤት» ማለት ሙሉ በሙሉ ወይም በከፊል በክልሉ መንግሥት በጀት የሚተዳደር የመንግሥት መ/ቤት፣ ከፍተኛ የትምህርት ተቋም እና ተመሳሳይ ስፊት ያለው ስካል ነው።

፯. «የመንግሥት ገንዘብ» ማለት ከክልሉ መንግሥት ገምጃ ቤት ወይም ለመንግሥት መሥሪያ ቤት የተመደበ ገንዘብ ወይም የመ/ቤቱ የውስጥ ገቢ ነው።

፰. «የመንግሥት ገዥ» ማለት በመንግሥት መሥሪያ ቤት በመንገሽት ገንዘብ የሚከናወን ገዥ ነው።

4. «Consultancy Service» conduct training and transfer knowledge means a service of an intellectual and advisory nature provided by consultants using their professional skills to study, design and organize specific projects, advice clients,;

5. «Procurement » means obtaining goods, works, consultancy or other services through purchasing, hiring or obtaining by any other contractual means;

6. «Public Body » means any public body, which is partly or wholly financed by Regional Government budget, higher education institutions and public institutions of like nature;

7. «Public Fund » means any monetary resource appropriated to a Public Body from the Regional Government treasury or aid grants and credits put at the disposal of the Public Bodies by foreign donors through the Federal Government or internal revenue of the Public Body;

8. «Public Procurement » means Procurement by a Public Body using Public Fund;

- 9) "Alaab keene "waxaa loola jeedaa shaqsi /shirkad aqoonsi sharci leh oo kula hesjiishyay xafiisk dawladeed inuu: qalab u keeno, adeeg u fuliyo, ama howl dhismo u qabto.
- 10) "Kaqaaybgale" waxaa loola jeedaa shaqsi ama shirkad aqoonsi sharci leh oo lagu marti-qaaday inuu ka qayb -galo tartanka iib dawladeed, ama isagu raba inuu ka qayb galo.
- 11) "Tartame "waxaa loola jeedaa shaqsi / shirkad aqoonsi sharci Leh oo soo gudbisatay rabitaanka kaga qayb-galka tartanka.
- 12) "Dokumantiga tartanka." waxaa loola jeedaa dokumentiga xafiis Dawaladeed diyariyo ee loo adeegsado tartanka iibka, kaasi oo ay ku cadahay faahfahinta nooca alaabta la rabo.
- 13) "Brobosalka tartanka" waxa loola jeedaa dokumanti ay tartamayaali u soo gudbisteen inay ka qayb galaan tartan iyagoo raacaya dokumantiga tartanka ee xafiis dawladeed u diyaariyay iibkaasi.
- 14) "Awaamiirta iibka" waxa loola jeeda awaamiirta uu Madax-xafiiseedku soo saaro si loo meelmariyo qodobadaa bayaankan.
- 15) "Xafiiska ama madax-xafiiseedka" waxa loola jeedaa xafiiska maaliyada iyo horumarinta dhaqaalaha D.D.Soomaalida iyo Madax-xafiiseedkiisa.
- 16) "Dammaanadda iibka" waxa loola jeedaa cadadka lacageed ee tartamuhu ku khasban yahay inuu dammaanad ahaan u dhigo si u uga qayb-galo tartanka.

- ፱. «አቅራቢ» ማለት ስመንገሥት መሥሪያ ቤት ዕቃ ወይም አገልግሎት ለማቅረብ ወይም የገንባታ ዘርፍ ሥራ ለማከናወን ውል የገባ ሰው ወይም ደርጅት ነው።
- ፲. «ዕጩ ተወዳዳሪ» ማለት በመንገሥት ገዥ እንዲሳተፍ የተጋበዘ ወይም ስመካፈል ያመለከተ ሰው ወይም ደርጅት ነው።
- ፲፩. «ተጫራች» ማለት የመጫራቻ ሀሳብ ያቀረበ ሰው ነው።
- ፲፪. «የጨረታ ሰነድ» ማለት ዕጩ ተወዳዳሪዎች የመጫራቻ ሰነድ ለማዘጋጀት እንዲችሉ በመንገሥት መሥሪያ ቤት የሚዘጋጅ ዝርዝር የግዥ ፍላጎትን የሚገልፅ ሰነድ ነው።
- ፲፫ «የመጫራቻ ሰነድ» ማለት የመንግስት መ/ቤቱ ለግዥው ባዘጋጀው የጨረታ ሰነድ መነሻነት ተጫራች በግዥው ለመሳተፍ የሚያቀርበው ሰነድ ነው።
- ፲፬. «የገዥ መመሪያ» ማለት በዚህ አዋጅ መሠረት በገንዘብና ኢኮኖሚ ልማት ቢሮ ኃላፊው የሚወጣ መመሪያ ነው።
- ፲፭. «የቢሮ ኃላፊ እና ቢሮ» ማለት እንደቅደም ተከተሉ የገንዘብና የኢኮኖሚ ልማት ቢሮ ኃላፊ እና ቢሮ ነው።
- ፲፮. «ሰው» ማለት የተፈጥሮ ሰው ወይም በሕግ የሰውነት መብት የተሰጠው አካል ነው።

- 9. «Supplier » means a physical or juridical person under contract with a Public Body to supply goods, works of services;
- 10. «Candidate » means a physical or juridical person invited to take part in public procurement or seeking to be so invited;
- 11. «Bidder » means a physical or juridical person submitting a bid;
- 12. « Bidding Documents » means a document prepared by the Public Body as a basis for preparation of bids; which contains a specification of the desired object of procurement;
- 13. «Bid Proposal» means a document submitted by bidders to participate in a bid on the basis of the bid document prepared by a Public Body in respect of that procurement.
- 14. «Procurement directive » means the directive to be issued by the Head of the Bureau of Finance and Economic Development under this Proclamation;
- 15. « Head of the Bureau or Bureau » means the Head of the Bureau of Finance and Economic Development and Bureau Finance and Economic Development of the Somali Regional State, respectively;
- 16. «Person » means natural or juridical person;

17) 'Shaqsi' waxa loola jeedaa Qof abuur ahaan ama sharci ahaan u jira.

18) "Iib aan caadi ahayn" waxaa loola jeedaa Iibka xadigiisu badan yahay oo Iskuduub ahaan loogu fuliyo goaanka Madax-xafiiseedka kuna salaysan muhiimada Iibkaasi degaanka u leedahay ama fulinta baahida Xafiisyada kaladuwan ee degaanka ama baahida hal xafiis oo muda xadidan ah.

19) "heshiiska iib-duleedka" waxaa loola jeedaa heshiis iib oo guud oo ay ku cad yihiin qiimaha gaarka ah ee alaabta iyo shuruudo kale oo qandaraas, kuwaasi oo sal looga dhigi doono alaabta dhamaata ee xafisyada oo mustaqbalka keeni doono heshiisyo kala gaar gaar ah.

20) "Alaab-keenaha heshiiska iib-duleedka ah" waxaa loola jeedaa alaab-keene ku galay qandaraas inuu mustaqbalka ku keeno alaab ama ku fuliyo adeeg ku salaysan heshiiska iib-duleedka.

21) "Guddi/Board" Waxaa loola jeedaa gudi lagu aasaasay Bayaankan inuu hubiyo kana goaan gaadho cabashooyinka tartamayaahsa ee ku sahabsan Iibka iyo wareejinta hantidda duugga ah ee Dawladda Deegaanka.

፲፯. «ልዩ ግዥ» ማለት አገራዊ ጠቀሜታ ያላቸው በመሆኑ ምክንያት በሚኒስትሩ ውሳኔ በጥቅል የሚፈፀሙ ከፍተኛ ግዥዎች ወይም የመንግሥት መሥሪያ ቤቶች ያላቸውን ተመሳሳይ የግዥ ፍላጎት እንዲሁም አንድ የመንግሥት መሥሪያ ቤት በተወሰነ ጊዜ ውስጥ በተደጋጋሚ የሚኖረውን የግዥ ፍላጎት ለማሟላት የሚፈፀም ግዢ ነው።

፲፰. «የማዕቀፍ ስምምነት» ማለት ወደፊት በሚፈፀም ዝርዝር ውል ለሚከናወን አቅርቦት መሠረት በመሆን የሚያገለግል፣ በነጠላ ዋጋ እና በሌሎች የውል ሁኔታዎች ላይ በመመስረት የተፈፀመ አጠቃላይ የሆነ የግዢ ስምምነት ነው።

፲፱. «የማዕቀፍ ስምምነት አቅራቢ» ማለት በማዕቀፍ ስምምነት ዕቃ ወይም ሌሎች አገልግሎቶች ለማቅረብ ውል የገባ አቅራቢ ነው።

፳. «በርድ» ማለት በፌዴራል መንግስት የግዢ አፈፃፀም እና የንብረት አወጋገድ ሂደት ላይ በዕጩ ተወዳዳሪዎች የሚቀርብን አቤቱታ መርምሮ ውሳኔ እንዳሰጥ በዚህ አዋጅ የተቋቋመው አካል ነው።

፳፩. «የመንግስት ንብረት» ማለት ከመንግስት ገንዘብ እና መሬት በስተቀር የክልሉ መንግስት ሐብት የሆነ ማናቸውም ንብረት ነው።

17. «Special Procurement» means a procurement of sizable volume carried out in bulk by a decision of the Head of the Bureau on account of the Regional significance of that procurement or to fulfill similar requirements of various Public Bodies or requirements of a Public Body within a given period of time;

18. «Framework Contract» means is an umbrella agreement of procurement establishing unit price and other terms and conditions of contract which serves as a basis for supplies to be delivered under future specific contract;

19. «Framework Contract Supplier» means a supplier who has entered in to a contractual obligation to supply goods or services under a Framework Contract;

20. «Board» means an entity established under this Proclamation to review and decide on complaints from candidates in regard to the conduct of procurements and disposal of property of the Regional Government;

21. «Public Property» means any property of the Regional government other than Public Fund and land;

22) "Hanti Dawladeed" waxaa loola jeedaa Hantikasta oo Dawlada Degaanka Soomaalidu leeyahay, marka laga reebo Dhulka & Lacagta Dawladda.

23) "Mas'uuliyadda gacan-ku-haynta" waxaa loola jeedaa mas'uuliyadda mas'uulka xafiiska dawladda u sareeyo u xil saaro ama cid uu wakiishay u xil saarto qof shaqaale dawladeed ah ilaalinta iyo xafidaadda hantida dawladda ilaa iyo inta la is-dhaafinayo ama diwaanka laga saarayo ama qof kale oo shaqaale dawladeed ah ama xafiis dawladeed lagu wareejinayo gacan ku haynteeda.

24) "Hantida Maguurtada ah" Waxaa loola jeedaa Hantida muuqata ee qiimaheeda lagu xaddidoono Awaamiirta Iibka Dawladda ee uu soo saaridoono madax-xafiiseedka Xafiiska Maaliyadda & Horumarinta Dhaqaalaha ee Dawladda Degaanka Soomaalida, taas oo hawl gal ah (shaqaynaysa) cimrigeeda wax ku oolka ahina uu ka badan yahay hal sano, sida: Qalab xafiiseed, Koombutarada, Mishiinada waawayn, Gaadidka, Maraakiibta iyo Diyaaradaha, Dhismaha, Jidadka, Kaabadaha (Bridges), Biya-xidheenada, Qalabka waraabka, iwm.

25) "Hab cimriyeedka alaabta" waxaa lola jeedaa habka xakamaynta iyo maarynta ee hantida dawladda wixii ku taxaluqa sida qiimaha iyo hawlaha la xidhiidha ee qorshaynta, soo iibsiga, qabashada, isticmaalka, dayactirka, isdhaafinta markay duugawdo ama tirtirista hantida dawladda.

፳፪. «የጥበቃ ኃላፊነት» ማለት በመንግሥት መሥሪያ ቤት የበላይ ኃላፊ ወይም ኃላፊው በወከለው የሥራ መሪ፣ የመንግሥት ንብረት እስከሚወገድ ወይም ከመዝገብ እስከሚሠረዝ ወይም በሌላ ሠራተኛ ወይም መ/ቤት ጥበቃ ሥር እንዳይውል እስከሚተላለፍ ድረስ የመንግሥት ንብረት ለመያዝና ለመጠበቅ ፣ ለመንግሥት ሠራተኛ የሚሰጥ ኃላፊነት ነው።

፳፫. «ቋሚ ንብረት» ማለት ግዙፋዊ ህልዎት ያለው፣ የተናጠል ዋጋው ሚኒስትሩ በሚያወጣው መመሪያ የሚወሰን፣ ከአንድ ዓመት በላይ ለሆነ ጊዜ የጠቀሜታ እሴት የሚኖረው እና አገልግሎት በመስጠት ላይ የሚገኝ ንብረት ሲሆን ፣ እንደ የቢሮ ዕቃ፣ ኮምፒውተር፣ ከባድ መሣሪያ ፣ ተሽከርካሪ ፣ መርከብ ፣ አውሮፕላን፣ ሕንጻ ፣ መንገድ ፣ የፍላጎት መስመር ፣ ድልድይ ፣ መስኖ እና ግድብ የመሳሰሉትን ይጨምራል።

፳፬. « የሕይወት ዘመን ሥርዓት » ማለት ከመንግሥት ንብረት ጋር የተያያዙ ተግባሮች እና ወጪዎችን የማቀድ ፣ የመያዝ ፣ የመረከብ፣ የመጠቀም፣ የጥገና፣ የፍጆታ ወይም የማስወገድ ወይም ከመዝገብ የመሠረዝ ተግባራትን ከግምት ውስጥ በማስገባት የመንግሥት ንብረት አስተዳደር እና ቁጥጥር ብቃት ባለው መንገድ እንዲመራ ለማድረግ የሚያስችል ሥርዓት ነው።

፳፭. «አላቂ ዕቃ» ማለት ከቋሚ ዕቃ ውጪ የሆነ ግናቸውም የመንግሥት ንብረት ሲሆን፣ ጥቅም ላይ መዋል ከጀመረበት ጊዜ አንስቶ እስከ አንድ ዓመት አገልግሎት ሊሰጥ የሚችል እና ዋጋው ሚኒስትሩ በሚያወጣው መመሪያ የሚወሰን ንብረት ነው።

22. «Custodial Responsibility» means the responsibility conferred on a civil servant by the head of a Public Body or by a person delegated by him to protect and maintain Public Property until it is disposed or written off, or transferred to the custody of another civil servant or Public Body;

23. «Fixed asset» means tangible asset the value of which is determined by a Directive to be issued by the Head of the Bureau, that is in operational use and that has a useful economic life of more than one year, such as furniture, computers, heavy equipment, vehicles, ships and aircraft, buildings, roads, sewers, bridges, irrigation systems, dam;

24. «Life-time Approach» means a system of effective management and control of public property which takes in to account all associated activities and costs, namely, planning, acquisition, receipt, use, maintenance, consumption or disposal or deletion of Public Property;

25. «Supplies» means all public property other than Fixed Assets, which can be consumed within one year of use and the value of which is determined by a Directive to be issued by the Head of the Bureau;

- 25) "Qalabka dhamaada" Waxaa loola jeedaa, marka laga reebo Hantida maguurtada ah, Hantikasta oo dawladu leedahay oo isticmaalkeedu kudhamaado hal sano, taasi oo qiimaheeda lagu xadidoono Awaamiirta uu soo saridoono Madax-xafiiseedku.
- 26) "Wareejin/Saarid" waxaa loola jeedaa wareejinta hanti dawaldeen loogu wareejiyo qof kale iib ahaan ama siyaabo kale, ama in lagu ama la aaso ayadoo loola jeedo in la isdhaafiyo hantidassi ama qalabkaasi laga maarmay.
- 27) 'Is-shuraakaysiga-dawladda-iyo-hantiilayaasha gaarka ah' waxaa loola jeedaa maalgalinta la xidhiidha ka qaybgalka hantiilayda gaaarka ah ee heshiis wakiilasho oo dhex mara hay'adaha dawladda iyo kuwa gaarka loo leeyahay, iyadoo wakiilku:
 - b) fulinayo ama hirgalinayo mashruuc dhisme ama adeeg ama wakiilasho kiro
 - t) dhbarka u ridanayo halista maaliyadeed, farsamo iyo hawlgalineed ee la xidhiidha fulinta shqo dawladdu leedahay ama isticmaalka hanti dawla-deed,
 - j) ka helayo shaqada dawladda ee uu qaban-ayo ama hantida dawla-dda ee uu hawlgalinayo lacag khidmad ah oo uu ka qaadayo dawladda ama dadwaynaha loo adeegayo oo la saarayo lacag ama labada noo-cba.
- 28) "Wakiil" waxaa loola jeedaa cidda/qofka xafiis dawladeedla gala heshiis is shuraakaysiga dawladda-iyo-hantiilayda-gaarka.
- 29) "Dawladda Deegaanka iyo Xafiis Dawladeed" waxa loola jeedaa Dawladda Deegaanka Soomaalida iyo Xafiisyada Dawladda Deegaanka Soomaalida.

ጽ፮ «ማስወገድ» ማለት የመን ግሥትን ንብረት በሽያጭ ወይም በዝውውር ለሌላ ወገን ማስተላለፍ ወይም መቅበር ወይም ማቃጠል ነው።

ጽ፯ « የመንግሥትና የግል ሽርክና» ማለት በመንግ ሥት መሥሪያ ቤት እና በግል ባለሀብት መካከል በሚደረግ ውል በግሉ ባለሀብት ተሳትፎ የሚደረግ ኢንቨስትመንት ሲሆን ኮንሴሽነር ተብሎ የሚታ ወቀው የግል ባለሀብት ፣

- 1/ የግንባታ ፕሮጀክቶችን ወይም አገልግሎቶችን ወይም በኮንሴሽን ኪራይ የሚሰጡ ሥራዎችን ለማከናወን ግዴታ የሚገባበት ፣
- 2/ የመንግሥት ተግባር የሆኑ ሥራዎችን ከማከናወን ወይም የመንግ ሥትን ንብረት ሥራ ላይ ከማዋል ጋር በተያያዘ በፋይናንስ፣ በቴክኒክ እና በሥራ እንቅስቃሴ ረገድ የሚኖሩ ኃላፊነቶችን በአመዛኙ የሚወስድበት ፣
- 3/ የመንግሥት ተግባር የሆኑ ሥራዎችን በማከናወን ወይም የመንግ ሥትን ንብረት ሥራ ላይ በማዋል ለሚሰጠው አገልግሎት ከመንግሥት ክፍያ የሚያገኝበት ወይም በተጠቃሚዎች ላይ ከሚጣል ክፍያ ገቢ የሚሰበስብበት ወይም በሁለቱም መንገዶች ለአገልግሎቱ ክፍያ የሚያገኝበት፣ ውል ነው።

ጽ፯ «ኮንሴሽነር» ማለት ከመንግ ሥት መሥሪያ ቤት ጋር የመንግሥትና የግል ሽርክና ውል የሚገባ ሰው ነው።

ጽ፱ «መንግሥትና የመንግሥት መሥሪያ ቤት ማለት እንደ ቅደም ተከተሉ የሶማሌ ብሔራዊ ክልላዊ መንግስት እና የሶማሌ ብሔራዊ ክልላዊ መንግሥት መሥሪያ ቤት ነው።

26. «Disposal» means the transfer of public property to another person by sale or other means or the act of getting rid of public property by burning or burying.

27. «Public Private Partnership» means investment through private sector participation by a contractual arrangement between a Public Body and a private sector enterprise, as the concessionaire, in which the concessionaire:

- i. undertakes to perform or undertake any construction project or service or lease concession;
- ii. assumes substantial financial, technical and operational risks in connection with the performance of a public function or use of Government Property; and
- iii. receives consideration for performing a public function or utilizing Government Property, by way of fees from any public funds, user levies collected by the concessionaire from users or customers for a service provided by it, or a combination of such consideration.

28. «Concessionaire» means a person who enters into a contract with a Public Body under a Public Private Partnership

29. "Regional State and Public Body" shall mean the Somali Regional State and the Somali Regional State Public Body, respectively.

Qod 3^{aad}- Xadka fulineed ee bayaanka

1. Bayaankan wuxuu dhaqan-gal ku yahay Maamulka Hantida & Iibka Dawladda Deegaanka somalida dhammaantii.
2. Isagoo arrimaha ku xusan qodob-hoosaadka laad ee qodobkan sidiisa yahay, Bayaankani saamayn kuma yeelanayo heshiisyada iibka xafiis dawladeed lagalo xafiis kale oo dawladu leedahay si uu ugu keeno Qalab, ugu qabto shaqo dhisme, uga helo adeeg latalineed ama adeegyo kale.

Qod 4^{aad} Xusidda Jinsiga

Provisions of this Proclamation set out in masculine gender shall also apply to the feminine gender. Bayanka dhexdiisa isticmaalka jinsiyadda Lab ahi waxay sidoo khusaynaysaa jinsiga Dhediga ah.

Qod 5^{aad} Mabaadi'da aamulka Hantida & Iibka Dawladda

Mamulka hantida iyo Iibka Dawladdu waa inuu ilaaliyo arrimahan hoos ku qoran:

1. Xaqiijinta qiimaha lacagta marka lacagta dawladda loo isticmaalayo Iibka.
2. Inaan loo kala takoorin tartamayaasha qoomiyad ahaan ama arrimo kale oo aan laxidhiidhin shuruudaha tartanka, haddii aan tixgalintaasi lagu xusin bayaankan.
3. Shuruudaha asaaska u ah go'aaminta iibka dawladda iyo go'aan kasta oo iib lagu go'aamiyaba waa inay cid walba oo ay khusayso si cad oo aan ka qarsoonayn oo cadaaladi ku dheehan tahy loo tusaa.

f. የተፈጻሚነት ወሰን

፩. ይህ አዋጅ በማናቸውም ቅኝ ስሱ መንግሥት ገዥ እና ንብረት አስተዳደር ላይ ተፈጻሚ ይሆናል።

፪. በዚህ አንቀጽ ንዑስ አንቀጽ ፩ የተነገረው ቢኖርም ፣ የመንግሥት መሥሪያ ቤቶች ዕቃዎችን ፣ የገንባታ ዘርፍ ሥራዎችን፣ የምክርና ሌሎች አገልግሎቶችን ወጪ በመሸፈን ከሌሎች የመንግሥት መ/ቤቶች ለማገኘት ከሚያደርጉት ውል ላይ ይህ አዋጅ ተፈጻሚ አይሆንም።

፬ የፆታ አገላለፅ

በዚህ አዋጅ ውስጥ በወንድ ፆታ የተደነገገው የሴትንም ፆታ ያካትታል፤

፭. የመንግሥት ገዥ እና ንብረት አስተዳደር መርሆዎች

የመንግሥት ገዥ አፈጻጸም እና የንብረት አስተዳደር የሚከተሉትን መርሆዎች መሠረት ማድረግ ይኖርበታል።

፩. በገዥ አፈጻጸም ረገድ የመንግሥት ገንዘብ ሲያስገኝ የሚችለውን ጥቅም ማስገኘት፤

፪. በዚህ አዋጅ በተፈቀደው ልዩ አስተያየት ካልሆነ በስተቀር በዚህ ገንት ወይም ከመወዳደሪያ መስፈርቶች ጋር ባልተያያዙ ሌሎች ምክንያቶች በዕጩ ተወዳዳሪዎች መካከል አድልዎ ያስመደረጉን፤

፫. ማናቸውም የግዥ ውሳኔ የሚሰጥበት መስፈርት እና በእያንዳንዱ ግዥ ላይ የሚሰጠው ውሳኔ ጉዳዩ ለሚመለከታቸው ሁሉ ግልፅ እና ፍትሐዊ መሆኑን፤

3. Scope of Application

1. This Proclamation shall apply to all Regional State Procurement and property administration.

2. Notwithstanding Sub-Article (1) of this Article; This Proclamation does not apply to contracts a Public Body enters into with another Public Body for the provision of goods, works, consultancy or other services at cost.

4. Gender Reference

Provisions of this Proclamation set out in masculine gender shall also apply to the feminine gender.

5. Principles of Public Procurement and Property Administration

Public Procurement and property administration shall have to comply with the following principles:

1. Ensure value for money in the use of Public Fund for procurement.

2. Non discrimination among candidates on grounds of nationality or any other criteria not having to do with their qualification, except in cases of preference specifically provided for in this Proclamation;

3. Transparency and fairness of the criteria on the basis of which decisions are given in public procurement as well as of decisions in each procurement;

4. Mas'uuliyad ama isla xisaabtan qaabka go'aamada iyo talaabooyinka loo fuliyo iibka hawlaha Maamulka iyo Iibka Dawladda ku aadan.

5. Hantida Dawladda oo si taxadar leh loo xafido loona ilaaliyo.

Qod 6^{aad}- Waajibaadyada caalamiga ah

1) Heshiisyada caalamiga ah ee dawlada dhexe la gashay ama la geli doonto dalalka shish-eeye ama ururada caalamiga ah ama waajibaadyada ka dhashay heshiisyadaasi haddi ay ka hor yimaadaan qodobada bayanka waxaa dhaqan-gal ah arrimaha Ku xusan heshiiska.

2) Heshiiska lagu tilmamay farqada 1^{aad} ee qodobkan marka uu dan u yahay dalka dhamaan ama tartameyaasha It-oobiyaanka ah waa in qandaraas-bixiyuhu dh-okumentiga qandaraaska uu ku qeexo mudnaantaas.

Qod 7^{aad}- Fududaynta Helitaanka Shuruucda ee Bulshada

Bayaankan iyo Awaamiirta Madax-xafiiseedka iyo sidoo kale shuruucda kale ee la xidhiidhta Maamulka Hantida iyo Iibka dawlaga ah, waxaa loo baahanyahy in sida u deg-dega badan looga dhigaa in si fudud dadwaynuhu ku helikaro.

ሪ ውሳኔዎች እና የተወሰዱ እርምጃዎች ተጠያቂነት የሚያስከትሉ መሆኑን፤

፭ የመንግስት ንብረት በጥንቃቄ መያዝና ለታሰቡት አላማ መዋሉን፤

፮. ዓለም ዐቀፍ ግዴታዎች

፩. ይህ አዋጅ የፌዴራል መንግሥት ከአንድ ወይም ከአንድ በላይ ከሆኑ መንግሥታት ወይም ከዓለም ዐቀፍ ድርጅቶች ጋር ባደረገው ወይም በሚያደርገው ስምምነት ወይም ከስምምነቱ ከመነጨ ግዴታ ጋር የሚደጣጠም ከሆነ በስምምነቱ የተመሰከተው ይፀናል፡፡

፪. በዚህ አንቀጽ ንዑስ አንቀጽ ፩ የተመሰከተው ስምምነት ለኢትዮጵያ ወይም በኢትዮጵያ ነዋሪ ለሆኑ ተጫራች ልዩ አስተያየት የሚፈቅድ በሚሆንበት ጊዜ የመንግሥት መሥሪያ ቤቱ ተፈጻሚ የሚሆነውን ልዩ አስተያየት በጠረጎታ ሰነድ ውስጥ በግልፅ ማመልከት አለበት፡፡

፯. የግዥ ሰነዶችን ሕዝቡ እንዲያውቅ ስለማድረግ

ይህ አዋጅ እና በዚህ አዋጅ መሠረት በቢሮ ኃላፊው የሚወጡ የግዥ እና የንብረት መመሪያዎች እና ሌሎች የግዥ እና ንብረት አስተዳደር ሰነዶች ሕዝብ እንዲያውቃቸው መደረግ እና ለአጠቃቀም አመቺ በሆነ መንገድ መያዝ አለባቸው፡፡

4. Accountability for decisions made and measures taken with regard to public procurement and property administration;

5. Careful handling and proper use of public property.

6. International Obligations

1. To the extent that this Proclamation conflicts with an obligation of the Federal Government under or arising out of an agreement with one or more other states or with an international organization, the provisions of that agreement shall prevail.

2. Where an agreement referred to in Sub-Article (1) of this Article contains a preference or preferences in favor of national and resident bidders the Public Body shall ensure that the applicable preference or preferences are clearly stated in the bidding documents.

7. Public Accessibility of Legal Texts

This Proclamation and the procurement and property directives of the Head of the Bureau as well as other documents pertaining to public procurement and property administration shall be promptly made accessible to the public and systematically maintained.

Qod 8^{aad} Mas'uuliyadda Madaxda Xafiisyada Dawladda

1) Xafiisyada kala duwan ee deegaanku waxay guud ahaanba mas'uul ka yihiin fulitaanka iibka iyo maamulidda Hantida dowladda, Gaar ahaan Madaxa Xafiiska Dawladu waxa uu si gaar ah mas'uul uga noqonayaan arriamahan hoos ku xusan iyo kuwa kale ee lagu xusidoono Awaamiirta uu soo saarid-oono Madax-xafiiseedku:-

b) Inay dhisaan waax xafiiska ugu qaabilsan arrimaha Maamulka Hantida & Iibka oo leh shaqaale ku filan.

t) Inay dhisaan Guddi Iibka ansixiya si ay u ansixiya Iibka qiimihiisu badan yahay. Waxa kale oo haddii loo baahdo ay dhisi karaan guddi aan joogto ahayn oo qiimayn ku sameeya Iibka ka kooban alaabo kala duwan.

j) Hubinta Inay shaqaalaha iyo madaxda u xilsaaran Maamulka Hantida iyo Iibka iyo sidoo kale Guddiga ansixinta iibku inay qaateen tababar si ay ugu fududaato fahanka iyo fulinta nuxurka Bayaankan, Awaamiirta bayaankan ku xusan ee soo bixidoonta, Buugta tasmada ee Maamulka Hantida iyo Iibka, Dukumentiga caadiga ah ee tartanka, iyo Foomanka kale ee la xidhiidha.

x) Hubinta/xaqiijinta in Iibka xafiiska Qorshe leeyahay iyo inay wafaqsan yihiin qodobada ku xusan Bayaankan.

፳. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ ኃላፊነት

የመንግሥት መሥሪያ ቤቶች ስለሚያከናውኑት ገዥ እና ስሚያስተዳደሪት ንብረት ጠቅላላ ኃላፊነት ያሰባቸው ሲሆን፣ በተለይም የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ የቢሮኃላፊው በሚያወጣው መመሪያ ላይ ከሚገለጹት ዝርዝር ኃላፊነቶች በተጨማሪ የሚከተሉት አጠቃላይ ኃላፊነቶች ይኖራቸዋል፡-

ሀ/ በተገቢው የሰው ኃይል የተሟላ የገዥና ንብረት አስተዳደር የሥራ ተግባራትን የሚያከናውን የሥራ ክፍል ያደራጃል፤

ለ/ ከፍተኛ የገንዘብ መጠን ያላቸውን ግዥዎች መርምሮ የሚያፀድቅ ኮሚቴ ያቋቁማል፤ ውስብስብ ለሆኑ ግዢዎች ጊዜያዊ የግዥ ገምጋሚ ኮሚቴ ሊያቋቁም ይችላል ።

ሐ/ በገዥ እና በንብረት አስተዳደር ሥራ ላይ የሚመደቡ ወይም የተመደቡ ሰራተኞች እንዲሁም የገዥ አፅዳቂ ኮሚቴ አባላት ይህንን አዋጅ ፣ የአፈፃፀም መመሪያውን ፣ የገዥ ማኑዋል፣ መደበኛ የጨረታ ሰነድ እና ሌሎች ተገቢ ቅጾች ይዘት እና አጠቃቀም እንዲያውቁ ማድረግ የሚያስችል ስልጠና ማግኘታቸውን እና የመንግስት ገዥ እና ንብረት አስተዳደርን ለመፈፀም በቂ ክህሎት ያላቸው መሆኑን ያረጋግጣል።

መ/ የመንግስት ገዥ በእቅድ ላይ የተመሰረተ እና በዚህ አዋጅ የተመሰከቱ የገዥ መርሆዎችን የጠበቀ መሆኑን ያረጋግጣል።

8. Responsibilities of Heads of Public Bodies

Public Bodies shall have overall responsibility for procurements they carry out and the property they administer. In particular, the head of a Public Body shall apart from those specified in the directives to be issued by the Head of the Bureau, have the following responsibilities:

a. cause to be established an adequately staffed unit for procurement and property administration;

b. setup a procurement endorsing committee which approves procurements of higher value; it may also setup ad hoc evaluation committee for complex procurement;

c. ensure that staff and officials assigned in the procurement and property administration and those assigned as members of the procurement endorsing committee receive training to enable them acquire knowledge of the content and application this Proclamation, the directives to be issued under this Proclamation, the procurement and property administration manuals, the standard bidding documents and other relevant forms;

d. ensure that the procurement of the Public Body is preplanned and complies with procurement principles enshrined in this Proclamation;

- kh) Xaqiijinta/Hubinta xil-gudashada shaqaalaha Maamulka Hantida iyo Iibka dawladda, iyo waliba Guddiga ansixinta Iibku.
- d) Haddi loo baahdo, inay heshiis lagalaan gacan sadexaad oo ka caawisa xafiiska dhibnaca geedisocodka Iibka.
- r) Hubinta in hantida Dawladda ee Xafiisku gacanta ku hayoo loo isticmaalo sida ugu dhaqaalaysan ee ugu fudud.
- s) Hubinta in hantida Dawladda ee Xafiisku hayo sidii loogu talagalay u diwaan gashan tahay loo dabagalo, la xafido oo la ilaaliyo, iyo in la is dhaafiyo marka ay isticmaal gab noqoto.

Qod 9^{aad} Xilka & Waajibaadka Waaxda Iibka

Waaxda Iibka ee Xafiisyada dawladda laga dhex dhisayo, xilka ay u xaddidayaawaan awaamiirta iibka iyo faa-faahinta shaqo ee xafiiskiisu u xilsaarayo ka sokow waxa uu leeyahay xilka iyo waajibaadka hoos ku qoran:

- a) Inuu hawsha iibka dawladda u guto si xirfad iyo asluubsho qeed ku dheehan yahay.
- b) Inuu u fuliyo iibka dawladda si waafaqsan bayaankan, awaamiirta iibka, dokumentiga rasmiga ah ee tartanka iibka, foomamka iyo qandaraaska iibka.
- c) Inuu u xafido iibka kasta xog dhamaystiran sida uu dhigayo qodobka (23) ee bayankan.

ሠ/ የገዥ የስራ ክፍል፣ የገዥ ስፅዳቁ ኮሚቴ እና ሌሎች ገዥን የመፈጸም ኃላፊነት የተሰጣቸው ሕዝባት ተገባራቸውን በተገቢው ሁኔታ መመጣታቸውን ያረጋግጣል

ረ/ እንደ ስራ ለገዥ የገዥ ስርዓትን የሚያስፈልገው ሦስተኛ ወገኖችን ይቀጥራል፣

ሰ/ የመንገስት ንብረት ሲኮኖሚ ያዊ እና ውጤታማ በሆነ መንገድ ስገልግሎት ሳይመዋሉን ያረጋግጣል

ሸ/ በመ/ቤቱ ሥር የሚገኘው የመንገድ ንብረት በሚገባ የተመዘገበ እና የክትትል ሥርዓት የተዘረጋለት ፣ ተገቢው ጥበቃና እንክብካቤ የተደረገለት፣ ስገልግሎት የማይሰጥ ሆኖ ሲገኝ በወቅቱ እንዲወገድ መደረጉን ያረጋግጣል።

፱. የገዥ የሥራ ክፍል ተገባርና እና ኃላፊነት

በመንገድ መሥሪያ ቤቶች ውስጥ የሚቋቋሙ የገዢ ሥራ ክፍል በገዥ መመሪያና በመሥሪያ ቤቱ በሚዘጋጀው የሥራ ዝርዝር ከሚሰጡት ተገባራት በተጨማሪ የሚከተሉት ስጠቃሳይ ተገባራት ይኖራታል፡

ሀ/ የመንገድ ገዥን በተማሳ የሙያ ስነ ምግባር እና ክህሎት ይፈልጋል

ለ/ ይህንን ስዋጅ፣ የስፈላጭ መመሪያዎችን፣ የገዥ ማኅዋል፣ መደበኛ የጠረጴጫ ሰነድ እና የስፈላጭ ቅጾችን እና የገዥ ውሳኔን መሠረት በማድረግ የመንገድ ገዥን ይፈልጋል።

ሐ/ በዚህ ስዋጅ ስንቀፅ ጽፎች በተደነገገው መሰረት ለየገዥው የተማሳ መረጃ ይይዛል፤ በተጠየቀ ጊዜም ያቀርባል

- e. ensure that the procurement department, the procurement endorsing committee and other sections of the Public Body evolved in procurement discharge their duties properly;
- f. where necessary, enter into a contract with third parties which support the Public Body in the process of procurement;
- g. ensure that property at the disposal of the Public Body is used in such a manner as to achieve economy and efficiency;
- h. ensure that property at the disposal of the Public Body is duly registered and traceable, properly handled and looked after and disposed off when it is no longer useful.

9. Duties and Responsibilities of Procurement Department

The procurement department in a Public Body shall, apart from the responsibilities assigned to it by the procurement directives and the job description prepared by the Public Body have the following duties and responsibilities:

- a. execute public procurement in a perfectly ethical and skillful manner;
- b. carry out public procurement in accordance with this Proclamation, the procurement directives, the procurement manual, the standard bid documents, the forms and the procurement contract;
- c. maintain complete record for each procurement in accordance with Article 23 of this Proclamation;

Qod 10^{aad} Xilka iyo Waajibaadka Gudiga ansixinta iibka
 Guddiga ansixinta iibku wuxuu yeelanayaa waajibaad hoos ku xusan:

b) Xaqiijinta in iibka dawladda loo fuliyay sida ku cad bayaankan, awaamiirta fulinta iibka, Maanuawalka iibka, Dukumentiga rasmiga ah ee tartanka iibka, iyo foomamka kale ee loogu talagalay iibka.

t) Hubinta iyo ansixinta iibka dawlaga ah iyagoo ilaalinaya xad lagu jaangooyay awaamiirta iibka.

j) Inay kala taliyaan mas'uulka xafiiska habkii uu iibka dawlaga ahi ugu noqon laha mid wax ku ool ah.

Qod 11^{aad} La-Xisaabtanka

Shaqaalaha hawlaha maamulka hantida iyo iibka dawladda, madaxa waaxda maamulka hantida iyo iibka dawladda, iyo gudiga ansixinta iibka dawlaga ah ee xafiisyada dawladdu dhamaantood waxaa waajibaadkooda loogula xisaabtamidoona sida dhigayaan bayaankan iyo awaamiirta iibka ee uu soo saaridoono Madax-xafiis-
 eedku.

፲. የገዥ አፅዳቂ ኮሚቴ ተገባርና ጋባፊነት

፩. በገዥ መመሪያው ላይ የተቀመጠው ገደብ እንደ ተጠበቀ ሆኖ የመንገዱ ገዥ ደህንን አዋጅ፣ የአፈፃፀም መመሪያውን፣ የገዢ ማኅቀስ፣ መደበኛ የጨረታ ሰነድ እና ሌሎች ቅጾችን መሠረት በማድረግ የተፈፀመ መሆኑን ያረጋግጣል

፪. በገዥ መመሪያው ላይ የተቀመጠው ገደብ እንደተጠበቀ ሆኖ የጨረታ ወይም የገዥ ገምገማ ሪፖርቶችን መርምሮ ያፀድቃል።

፫. የመንገዱ ገዥን ውጤታማ ለማድረግ በሚያስችሉ ዘዴዎች ላይ የመንገዱ መሥሪያ ቤቱን የበላይ ሀሳፊ ያማክራል።

፲፩. ተጠያቂነት

በመንገዱ መሥሪያ ቤቶች ሰገዥ እና ንብረት አስተዳደር ሥራ የተመደቡ ሠራተኞች ወይም የመንገዱ ገዥን እና ንብረትን ለማስተዳደር የተሾሙ ጋባፊዎች፣ የግዥ አፅዳቂ ኮሚቴ አባሎች በዚህ አዋጅ እና ቢሮ ጋባፊው በሚያወጧቸው መመሪያዎች መሠረት ስለሚወስዷቸው እርምጃዎች ተጠያቂ ይሆናሉ።

10. Duties and Responsibilities of Procurement Endorsing Committee

The procurement endorsing committee shall have the following responsibilities:

a. ensure that public procurement is executed in compliance with this Proclamation, the procurement directives, the procurement manual, the standard bid document and the forms;

b. review and endorse procurements within the financial limits set by the directive;

c. advise the head of the public office on methods of achieving effective procurement.

11. Accountability

Procurement and property administration staff or heads of procurement and property administration units and members of the procurement endorsing committee in Public Bodies shall be accountable for their actions in accordance with this Proclamation and the directives to be issued by the Head of the Bureau.

Qaybta Labaad

Xilka, Awoodda, Mas'uuliyadda, iyo la xisaabtanka

Ood 12^{aad} - Shaqada/howsha Xafiisku (BOFED)

- Xafiisku (BOFED) wuxu qabanayaa shaqooyinka/ howlaha hoos ku xusan;
1. Inuu Dawladda degaanka kala talinayo nidaamka dhamaan xeerarka, hadafyada aasaasiga ah iyo dhaqan-gelinta Maamulka Hantida & iibka dawladda.
 2. Inuu kormeero oo warbixinna ka siiyo Madax-xafiiseedka hanaanka shaqo ee Maamulka hantida iyo iibka dawlada deegaanka. Inuu dhaqdhaqaaqiyo dib-uhabaynta shuruucda iyo hagaajinta habka fulineed.
 3. Isagoo la kaashanaya hay'addaha ay khusayso inuu hubiyo dejinta heerarka tababarka, kartida, noocyada caddeymeed ee loo baahan yahay iyo jihooyinka horumarinta xirfadeed ee Maamulka Hantida iyo iibka dawladda.
 4. Inuu diyaariyo, cusboonaysiiyo, isla markaana soo saaro dhokumentiyada rasmiga ah ee tartanka iibka ee la ogolaaday ku dhaqankooda, foomamka nidaamshaqeed, iyo dokumentiyada kale ee la xidhiidha fududaynta maamulka hantida iyo iibka dawladda.
 5. Inuu ka fiirsado go'aanna ka gaadho codsiyada xafiisyada dawladda uga yimaada ee ku saabsan inay baalmaraan habka loo dajiyay iibka, dhokumentiyada rasmiga ah ee tartanka iibka, foomamka nidaamshaqeed, iyo dokumentiyada kale la xidhiidha fulinta iibka ama u isticmaalaan habka duwan kan sharcigu ogol yahay in loo wareejiyo hantida dawlada ka maantay.
 6. Inuu hirgaliyo hab sahlan oo diwaangalineed oo lagu qoro Alaab keenayasha danaynaya inay ka qaybqaataan iibka dawladda; inuu qabto, hubiyo, isla markaana uu diwaan-galiyo araa-jda ay tartamayaashu u soo dhaweeystaan si ay ugu biiraan liiska alaab-keena-yaasha ee iibka dawleda una qaybiyo liiska alaab-keena-yaasha diwaangashan.

ተገባር፤ ሥልጣን፤ ኃላፊነትና ተጠያቂነት

- ፲፪. የቢሮው ተገባሮች ቢሮው ከዚህ በታች የተዘረዘሩትን ተገባሮች ያከናውናል፡፡
- ፩. በመንግሥት ገዥ እና ንብረት አስተዳደር ፖሊሲዎች፣ መርሆዎችና አፈፃፀሞች ላይ የፈጸሙ መንግሥትን ማማከር፣ ለክፍሎች እና ለከተማ አስተዳደሮች የተከላከለ ድጋፍ መስጠት፤
 - ፪. በክፍሉ መንግሥት ውስጥ ያለውን የመንግሥት ገዥ አፈፃፀም እና የንብረት አስተዳደር ሥርዓት ተገባራዊነት መከታተል፣ ለሚኒስትሩ ሪፖርት ማድረግ እና በሕገና በአፈፃፀም ሥርዓቱ ላይ የማሻሻያ ሀሣቦች ማቅረብ፤
 - ፫. አገባብነት ካላቸው አካላት ጋር በመተባበር የገዥ እና የንብረት አስተዳደር ሥልጠና እንዲሁም የገዥና የንብረት አስተዳደር አፈፃፀምን ለመምራት የሚያስፈልገው ችሎታ፣ በሙያው ስሙ ለማራት ተፈላጊ የሆነው ማስረጃ ዓይነት እና የሙያው ዕድገት ሲከተል የሚገባው ሂደት መወሰኑን ማረጋገጥ፤
 - ፬. መደበኛ የገዥ ሰነዶች፣ አሠራሩን የሚመሩ ቅፃዎች እና ሌሎች ሰነዶች እንደ ንብረት አስተዳደር አገባብነት ያላቸውን ሰነዶች ማዘጋጀት፣ ሥራ ላይ እንዲውሉ እና ወቅታዊ እንዲሆኑ ማድረግ፤
 - ፭. ከተፈቀዱ መደበኛ የገዥ ዘዴዎች፣ ሰነዶች፣ አሠራሩን ከሚመሩ ቅፃዎች እና ሌሎች ሰነዶች አፈፃፀም አገባብነት ካላቸው ሰነዶች ውጪ ገዥ ስሙ ፈፀም ወይም ከተፈቀዱ የንብረት አወጋገድ ሥርዓቶችና ስልጠና ውጭ ንብረት ለማስወገድ በመንግሥት መሥሪያ ቤቶች ጥያቄ ሲቀርብለት ጥጫቄውን መርምሮ ውሳኔ መስጠት፡፡
 - ፮. በመንግሥት ገዥ ለመሳተፍ ፍላጎት ያላቸው አቅራቢዎች የሚመዘገቡበትን የተቀላጠፈ ሥርዓት መዘርጋት፣ በአቅራቢዎች ዝርዝር ውስጥ ለመመዝገብ የሚቀርቡ ማመልከቻዎችን መቀበል፣ መመርመር እና መመዝገብ፣ እና የምዝገባውን ዝርዝር ማሠራጨት፤

CHAPTER II

Function, Authority, Responsibility and Accountability

12. Functions of the Bureau (BOFED)

- The Functions of the Bureau are to:
1. advise the Regional Government on all public procurement and property administration policies, principles and implementation.
 2. monitor and report to the Head of the Bureau the performance of the Public procurement and property administration systems in the regional government, initiate amendments on laws and implementation system improvements;
 3. in collaboration with competent authorities ensure the setting of training standards, competence levels, certification requirements and professional development paths of public procurement and property administration;
 4. prepare, update and issue authorized versions of the standard bidding documents, procedural forms and any other attendant documents pertaining to procurement and property administration;
 5. consider and decide on request from public offices to deviate from the prescribed methods of procurement, the standard bidding documents procedural forms and any other attendant documents in effecting procurement or use other systems or methods of disposing of public property than those authorized by law;
 6. introduce an efficient system of listing under which suppliers who are interested to participate in public procurement are registered; receives, reviews and records applications by candidates for registered supplier status and distribute the suppliers list;

- 7. Inuu hubiyo oo uu go'aan ka gaadho cabashooyinka xafiisyada dawladdu ay uga soo gudbiyaan alaab keenayaasha iyo tartamayaasha, isla markaasina uu u qaybiyo cidda ay khusayso nuqulka go'aankooda.
- 8. Inuu xafiddo islamarkaasina uu qaybiyo liistada ay ku qoran yihiin alaabkeenayaasha sida xun u dayacay ee fulin waayay waajibbaadkii ka saarnaa heshiisyada iibka ee ay xafiisyada dawladda lagaleen; ama iyagoo xog been- abuur ah ka bixiyeen kartidooda; ama iyagoo ku-xad-gudbay falalka ku qeexan qodobada 16 (3) iyo 32 (2) darteed uu Xafiisku (BOFED) uga joojiyay ka qayb-galka tartamada iibka dawladda.
- 9. Inuu sameeyo baadhis hantidhawr si uu u xaqiijiyo in hawlaha maamulka hantida iyo iibka dawladda ee xafiisyada dawladdu u fuleen si waafaqsan bayaankan iyo dokumentiyada kale ee ay ku fulaan maamulka hantida iyo iibka dawladdu.
- 10. Inuu sameeyso, horumariyo, kor u qaado, isla markaasina ku xafido xarun xog- ururineed oo loo isticmaalo maamulka hantida iyo iibka dawladda.
- 11. Inuu dejiyo nidaam iyo qorshe suurto-gelin Kara sidii loo kobcin lahaa awooda fulineed ee hay'adeed iyo mida shaqaaleba.
- 12. Inuu dhiso, horumariyo isla markaana gacanta ku hayo xidhiidhka ka dhaxeeya hay'adaha danaha xirfadeed iyo kuwa kaleba ka leh arrimaha maamulka hantida iyo iibka dawladda.
- 13. Inuu hirgaliyo daraasaadka meel marinta iibka dawlada.iyo maamulka hantida iyo inay samyso iskaashi dhinaca kobcin awoodeed.
- 14. Inuu maamulo, isla markaana meel mariyo ku dhaqanka dhammaan qodobada bayaankan, xeer-nidaamiyaha iyo awaamiirta bayaankan iyo shaqooyinka kale ee Dawladdu siiyo.

- ፯. በዕጩ ተወዳዳሪዎችና በአቅራቢዎች ላይ የመንግሥት መ/ቤቶች የሚያቀርቧቸውን አቤቱታዎች መርምሮ ውሳኔ መስጠት፣ የውሳኔውን ቅጂ ለሚመለከታቸው ማሠራጨት፣
- ፰ ከመንግሥት መ/ቤቶች ጋር ባደረጉት የገዥ ውል መሠረት ገዳታቸውን ባለመወጣታቸው ስለብቃታቸው ሀሰተኛ መረጃ በማቅረባቸው ወይም በዚህ አዋጅ አንቀጽ 16(3) እና 32(2) የተዘረዘረትን ድርጊቶች በመፈፀማቸው ምክንያት ኢጅን ሲው በመንግሥት ገዥ አፈፃፀም እንዳይሳተፉ ያገዳቸውን አቅራቢዎች ዝርዝር መያዝና ማሠራጨት፣
- ፱. የገዥ አፈፃፀም እና የንብረት አስተዳደር ተግባራት ይህንን አዋጅ እና ሌሎች የመንግስት ገዥ እና ንብረት አስተዳደር የሚመራባቸውን ሰነዶችን ጠብቀው የተከናወኑ መሆኑን ለማረጋገጥ የገዥ ሶዲት ማድረግ፣
- ፲. ለገዥ አፈፃፀም እና ንብረት አስተዳደር የሚያገለግል የመረጃ ማሰራጨ እና ክምችት ማቋቋም ፣ ማጉልበት ፣ መጠበቅ እና ወቅታዊነቱ የተጠበቀ እንዲሆን ማድረግ፣
- ፲፩ የተቋም እና የሰው ኃይል አቅም ለማጉልበት የሚያስችል የአቅም ገንባታ ፖሊሲና ዕቅድ እንዲኖር ማድረግ፣
- ፲፪. የሙያና ከሙያ ጋር በተያያዙ አግባብነት ባላቸው ጉዳዮች ላይ የተሠማሩ ሆነው በመንግሥት ገዥ እና ንብረት አስተዳደር ለመሳተፍ ፍላጎት ካላቸው አካላት ጋር ተቋማዊ ገንኙነት መፍጠር እና ማዳበር፣
- ፲፫. ስለመንግሥት ገዥ አፈፃፀም እና ንብረት አስተዳደር ጥናት ማካሄድ ፣ የአቅም ገንባታ ትብብር እንዲኖር ማድረግ፣
- ፲፬. ይህ አዋጅና በአዋጁ መሠረት የሚወጡ ደንቦችና መመሪያዎች እንዲሁም ቢርኃፊው የተሰጡት ሌሎች ተግባሮች በትክክል ሥራ ላይ መዋላቸውን ማረጋገጥ፣

- 7. review and decide on complaints submitted by Public Bodies on the conduct of bidders or suppliers, and send copies of such decision to the concerned organs;
- 8. maintains and distributes a list of suppliers who by reason of having seriously neglected their obligations under a public procurement contract, or having provided false information about their qualifications or having committed the act of the kind referred to in Article 16(3) and 32(2) have been debarred from participating in public procurement by the Agency;
- 9. conduct audit to ensure that procurement and property administration activities of Public Bodies are in accordance with this Proclamation and other documents governing public procurement and property administration;
- 10. set up, develop, maintain and update a data base that covers the entire spectrum of public procurement and property administration
- 11. develop policies and maintain an operational plan on capacity building both for institutional and human resource development;
- 12. establish and maintain institutional linkages with entities working for the development of a profession and related matters who have an interest to participate in public procurement and property administration;
- 13. undertake public procurement execution and property administration research and surveys, and establish cooperation in the area of capacity building;
- 14. administer and enforce compliance with all the provisions of this Proclamation, regulations and directives issued under this Proclamation and other functions given to it by the Head of the Bureau.

- 15. Inuu u gudbiyo warbixin saddex-biloodle ah iyo mid sannadeed ah Madax-xafiiseedka kuwaasi oo ku sahabsan hawl-galka guud ahaaneed ee habka maamulka hantida iyo iibka dawlada, iyadoo ka duulaysa warbixinaha ay u soo gudbiyaan xafiisyada dawladdu isla markaasina ugu diyaarinaysa hadba sida uu Madax-xafiiseedku uga codsado sida nooca iyo baaxada iibka dawladda ee xafiis walba fuliyay, iyo waliba arrimaha la xidhiidha maamulka hantida.
- 16. Inuu siiyo taageero xafiis iyo mid farsamoba guddiga bayankani u dhisay inay hubiyaan cabashooyinka tartamayaasha iibka dawladda iyo wareejinta/isdhaafinta hantida duuga ah ee dawladdu ka maaranto, iyo inuu dabagalo fulitaanka go'aamada guddiga.
- 17. Inuu u diido inay ka qaybgalaan iibka ay fulinayaan xafiisyada dawladda deegaanku tartamayaasha iyo alaabkeenayaasha ay ka mamnuuceen laamaha dawladda federaalka ee awooda u lehi inay qaadashada iibka dawladda.
- 18. Inuu heerar (standard) u sameeyo hantidda joogtada ah ee ay xafiisyada dawladdu adeegsadaan.

Qod 13^{aad} Awoodaha xafiiska.

Xafiisku (BOFED) marka uu fulinayso arrimaha la xidhiidha iibka wuxuu leeyahay awoodahan soo socda:-

- 1. Wuxuu dalban helitaanka wararka, qoraalada (dukumentiyoo), diiwaanada iyo warbixino ku aadan geedisocodka nidaamka iibka dawladda ama alaabkeenaha lagu soo eeddeeyey ama laguba caddeeyey khaladaad, xad-gudubyo, maamul xumo iyo isku dhaca iib.

፲፩. ከመንግሥት መሥሪያ ቤቶች የሚቀርብሰትን መረጃ መሠረት በማድረግ የመንግሥት ገዥ እና ንብረት አስተዳደር ሥርዓት በሚገባ የሚሠራ ስለመሆኑ ለቢሮ ኃላፊው የራብ ዓመት እና ዓመታዊ ሪፖርት ማቅረብ ፣ የቢሮው ኃላፊ በሚጠይቀው ዝርዝር መሠረት በእያንዳንዱ የመንግሥት መሥሪያ ቤት ስለተከናወነው ገዥ ዓይነት እና መጠን እንዲሁም ንብረት አስተዳደር ጉዳዮች ልዩ መረጃዎችን መስጠት፤

፲፪. በዚህ አዋጅ በመንግስት ግዥ አፈጻጸምና ንብረት አወጋገድ ላይ በዕጩ ተወዳዳሪዎች የሚቀርቡ አቤቱታዎችን እንዲያይ ለተቋቋመው ውሳኔ ሰጪ ቦርድ የጽ/ቤትና የቴክኒክ ድጋፍ አገልግሎት መስጠትና የቦርዱን ውሳኔዎች ተግባራዊነት መከታተል፤

፲፫. አግባብነት ባላቸው የፌዴራል መንግስት አካል በፌዴራል የመንግስት ግዥ አፈጻጸም ላይ እንዳይሳተፍ የታገደ እጩ ተወዳዳሪ ወይም አቅራቢ በክልሉ መንግስት መሥሪያ ቤቶች ግዥ እንዳይሳተፍ ማድረግ፤

፲፬. በመንግሥት መሥሪያ ቤቶች አገልግሎት ላይ ለሚውሉ ዋና ዋና ቋሚ ንብረቶች ደረጃ ማውጣት፤ አፈጻጸሙን መከታተል፤

፲፭. የቢሮው ሥልጣን ቢሮው ሥራውን በሚያከናውንበት ጊዜ የሚከተለው ሥልጣን ይኖረዋል፡፡

- ፩. ማናቸውም የመንግስት መሥሪያ ቤት ወይም አቅራቢ ሕገ ከሚያዘው ውጪ ስለመፈጸሙ ፣ ገዥ በትክክል ስላሰማከናወነ ፣ የገዥውን አሠራር በትክክል ስላሰመፈጸመ ወይም ስለመመሳጠረ ጥቆማ የቀረበ እንደሆነ ከገዥው አፈዳጭ ጋር የተያያዙ መረጃዎች ፣ ሰነዶች መዘገቦች እና ሪፖርቶች እንዲቀርቡት የማዘዝ፤

- 15. submit quarterly and annual report to the Head of the Bureau regarding the overall functioning of the public procurement and property administration system based on information provided to it by Public Bodies and provide such data as the Head of the Bureau may request regarding the nature and volume of public procurement handled by each entity; as well as on matters of property administration.
- 16. provide office facilities and technical support for the Board established by this Proclamation to review complaints of candidates in public procurement and disposal of public property and follow up the implementation of the decisions of the Board.
- 17. cause any supplier barred by the decision of competent authorities of the Federal government, from participating on Federal government procurements, not to participate in procurements of Regional Public Bodies;
- 18. set a standard for major items of Public Bodies representing important fixed assets and follow-up adherence to such standards;
- 13. Powers of the Bureau (BOFED)
In the exercise of its functions, the Bureau shall have the power to:
 - 1. require any information documents, records and reports in respect of any aspect of the public procurement process where a breach, wrongdoing, mismanagement or collusions has been alleged, reported or proven against any Public Body;

- 2. Wuxuu u yeedhi markhaatiyo, isla markaana codsadaa in la soo dhaweeyo diwaanada xisaabaadka, qorshayaasha, qoraalada (dukumentiyada), isagoo baadhaaya ayuu dhaarinaaya maragayada iyo dhinacyada ay khusayso.
- 3. Inuu digniin siiyo ama uu ka joojiyo ka qayb qaadashada tartannada iib mudo xaddidan ama aan xaddidnayn tartamayaasha, alaabkeenaayaasha, ama shaqsiyaadka kale ee ku lugta leh alaabta/hantida dawladdu ka maarrantay ee la wareejinayo markay ku cadaayso inay qiima ka sareeya kan suuqa ku baaqeena ama ay galeen falal ka hor imanaya bayaankan iyo awaamiirta u soo saaro Madax-xafiiseedku.
- 4. Wuxuu ku fulini baadhitaan hanti dhawr hawlaheeda ama wuxuu ku qasbi baadhitaan hantidhawr in lagu fuliyo halkii ay uga timaado xog sheegaysa in laga smeeay khaladaad sababaya baadhista geedi-socodka maamulka hantida iyo iibka dawladda
- 5. Inuu ka ogolaado xafiisyada dawladda inay si ka baxsan nidaamyada iibka ee ku xusan bayaankan iyo awaamiirta iibka wax ku iibsadaan, markuu xaqiiqsado inay jiraan sababo ku filan oo taageeraya codsigooda.

Qaybta Saddexaad
Xeerarka Aasaasiga ah ee Iibka
Dawladda

Qod 14^{aad} Qorshaha Iibka

- 1. Xafiisyada dawladdu waa inay diyaariyaan qorshe sanadeed muujinaya iibka ay ku talgaleen inay fuliyaan sanadkaasi iyo qodobada ku xusan awaamiirta uu soo saaridoono Madax-xafiiseedku.
- 2. Qorsha sanadeedka iibka ee lagu diyaariyay sida ku xusan xubinta (1) ee qodobkan waa in mas'uulka xafiisku ansixiyo oo la gadhsiiyo waaxyaha xafiiska iyo Wakaaldda sanac kasta inta ka horaysa bisha Hamle 30da.

፩. ምስክርኝን የመጥራት፣ ምስክርኝና ገዥው የሚመለከታቸው ወገኖች ቃላቸውን በመሀሳ እንዲሰጡ የማድረግ፣ የሂሳብ መዝገብ ፣ ፕላን ፣ ሰነድ እንዲቀርብላቸው የማድረግ፣

፫ ከገበያ ጋር የማይጣጣም ዋጋ በሚያቀርቡ እና ሌሎችንም የዚህን አዋጅ እና በቢሮው ጋሳፊው የሚወጣውን መመሪያ ድንጋጌዎች የሚቃረኑ ተገባራት የሚፈፀሙ ዕጩ ተወዳዳሪዎች ፣ አቅራቢዎች ወይም በመንገዱት ንብረት ማስወገድ ሂደት ተሳታፊዎች ላይ በቀረበ አቤቱታ መነሻ ነት ማስጠንቀቂያ የመስጠት ፣ ለተወሰነ ወይም ላይተ ወሰን ጊዜ በመንገዱት ገዥ ወይም የንብረት ማስወገድ ሂደት እንዲደሳተፉ የማገድ፣

፬. በመንገዱት ገዥ እና ንብረት አስተዳደር አፈፃፀም ላይ በራሱ ፕሮግራም ወይም በሚደርሰው ጥቅማ መነሻነት ለዲት ማካሄድ ወይም እንዲካሄድ ማድረግ፣

፭. በቂ ምክንያት ያለ መሆኑን ሲረዳ በዚህ አዋጅና በገዢ መመሪያው ከተፈቀዱ የገዢ ሥርዓቶች ውጪ ገዢ ለመፈፀም ከመንገዱት መሥሪያ ቤቶች በሚቀርቡ ጥያቄዎች መሠረት እንዲፈፀም መፍቀድ፣

ምሳሌዬ ሦስት
መሠረታዊ የግዢ ድንጋጌዎች
፲፬ የግዢ ዕቅድ

፩ የመንግሥት መሥሪያ ቤቶች በበጀት ዓመቱ የሚፈፀሙትን ግዢ የሚያሳይ እና የቢሮ ጋሳፊው የሚያወጣው መመሪያ ላይ የሚገለፁትን ዝርዝር ጉዳዮች ያካተተ ዓመታዊ የግዢ ዕቅድ ማዘጋጀት ይኖርባቸዋል።

፪. በዚህ አንቀጽ ንዑስ አንቀጽ ፩ መሠረት የተዘጋጀው የግዢ ዕቅድ በመሥሪያ ቤቱ የበላይ ጋሳፊ ፀድቆ ለሚመለከታቸው የመ/ቤቱ የሥራ ክፍሎች እና ለኤጀንሲው በየዓመቱ እስከ ሐምሌ ፱ መላክ ይኖርበታል።

2. summon witnesses, call for the production of books of accounts, plans, documents and examine witnesses and parties concerned on oath;

3. give warning to or suspend for a definite or indefinite period of time from participating in public procurement; candidates, suppliers or persons involved in the disposal of public property where it proves that they have offered a price higher than the market or committed an act contravening the provisions of this Proclamation and the directives issued by the Head of the Bureau;

4. conduct audit on its own program or cause audit to be conducted where it receives allegations of misconduct warranting such audit on a process of public procurement and property administration.

5. upon the request of Public Bodies, exceptionally and when justified on sound grounds, may permit the use of a procedure which is not consistent with the procedures laid down by this Proclamation or the procurement directive;

CHAPTER III
BASIC PUBLIC PROCUREMENT PROCEDURES

14. Procurement Plan

1. Public Bodies shall have to prepare an annual procurement plan showing their procurement for the budget year concerned and containing such details as are stated in the directive to be issued by the Head of the Bureau.

2. The procurement plan to be prepared by Public Bodies in accordance with sub Article (1) of this Article shall have to be approved by the head of the Public Body concerned and communicated to the relevant departments of the Public Body and the Agency until Hamle 30 of the Ethiopian Calendar.

Qod 15^{aad} Kaydiinta diiwaanaada iibka

- 1. Xafiisyada Dawladdu waa inay xafidaan oo ay hayaan diwaanada iyo dhokumentiyada (qoraalada) la xidhiidha iibka Dawliga ah ee ay fuliyaan laga bilaabo maalinta iibku dhamay-stirmo ilaa mudada lagu xaddidid-oono awaamiirta uu soo saridoono Madax-xafii-seedku. Xogahas waa inay ka koobnaadaan kuwan hoos ku xusan:-
 - b) Faahfaahin kooban oo ku saabsan qalabyada, shaqooyinka ama adeegyada lagu talo jiro in la soo iibiyo.
 - t) Ogeeysiiska iibka.
 - j) Magacyada iyo ciwaanada ka qayb galayaasha soo gudbiyey tartankooda iibka ee soo jeedinta brobosaalada ama qiima-sheegyada iyo weliba magacyada iyo cinwaanada tartamayaasha ku guulaystay tartanka iibka .
 - x) Shuruudaha qiimeynta u dejisan, isla markaana loo adeegsaday qiimeynta iyo sidoo kale war bixin kooban oo ku saabsan qiimaynta iyo isbarbardhiga tartanka, brobosaalada iyo qiime-sheegyada la soo gudbiyay.
 - Kh) xogaha muujinaya nidaamkii go'aanka looga gaadhay, cabasho ka dhan ah geedi socodka iib dawladeed oo lagu xanibayay.
 - d) Asbaabaha loo doorbiday hanaan ka baxsan habka furan ee tartanka iibka.

፲፭ የግዥ ሰነዶች

- ፩. የመንግሥት መሥሪያ ቤቶች ከመንግሥት ገዥ ጋር የተደዳዙ መዝገቦችን እና ሰነዶችን ገዥው ከተፈጸመበት ቀን ስን ስት የቢሮ ኃላፊው በሚያወጣው መመሪያ ላይ እስከ ሚገለጸው ጊዜ ድረስ ማቆየት አለባቸው። በዚህ ዓይነት የሚያከት መረጃዎች የሚከተሉትን ይጨምራሉ።
 - ሀ/ የሚገኙትን ዕቃዎች፣ የገንባታ ሥራዎች ወይም አገልግሎቶች አጥር መገሰጫ፣
 - ለ/ የጨረታ ማስታወቂያ፣
 - ሐ/ የጨረታ መወዳደሪያ ሀሳብ ወይም የዋጋ ማቅረቢያ ያቀረቡ አቅራቢዎች ስምና አድራሻ እንዲሁም በጨረታው አሸናፊ የሆኑ ተጫራቾች ስምና አድራሻ፣
 - መ/ ሰጪ ለገጽ ገምገማ የተዘጋጀውን መስፈርት እና ተፈጻሚ የተደረገበትን ሁኔታ፣ የጨረታ ገምገማና የውድድሩን አፈጻጸም እና ከተወዳዳሪዎች የቀረበውን የመወዳደሪያ ሀሳብ እና የዋጋ ማቅረቢያ የሚያሳይ አጥር መገሰጫ፣
 - ሠ/ አቤቱታ ቀርቦ ከሆነ የውሳኔ አሰጣጥ ሒደቱን የሚያሳይ መረጃ፣
 - ረ/ ከገልፅ ጨረታ ውጪ ሌሎች የገዥ ዘዴዎች መካከል የተመረጠበትን ምክንያት፣

15. Records of Procurement

- 1. Public Bodies shall have to maintain records and documents regarding their public procurement for such period of time as is determined by the directive to be issued by the Head of the Bureau from the date of concluding any procurement proceeding. Such information shall include the following:
 - (a) A brief description of the goods, works, or services to be procured;
 - (b) The invitation to bid;
 - (c) The names and addresses of suppliers that submitted bids, proposals or quotations, and the name and address of the winning suppliers;
 - (d) The evaluation criteria stipulated and applied and a summary of the evaluation and comparison of bids, proposals, and quotations received;
 - (e) Information on the proceeding of any decision rendered where a complaint against a procurement process is lodged;
 - (f) The grounds for using a procurement procedure other than open bidding.

2. Xog kasta oo ku saabsan hawlaha iib ee la qabtay marka laga codsado ama marka hawlaha iibka uu ka soo baxay heshiis ama sidaa ka duwan looga qaatay tallaabo lagu tirtirayaba waa in la diyaariyo oo la siiyo tartamayaashii ka qayb-galay tartanka iibka. Hase yeeshee marka laga reebo hadday amaraan in la yeelo sidaasi maxkamad awood u leh ama hayad kale oo sharcigu awood u siiyay iyo iyadoo ku xidhan shuruudaha amarkas, Xafiisyada Dawladda waxaa ka reeban in ay shaaca ka qadaan:

b) Marka shac ka qadiida xogtu ay tahay mid lid ku ah sharciga, turunturo ku tahay meel-marinta sharci, ay ka hor imanayso dannaha dawladda, ay caqabaad ku beeraysaa dannaha dadweynaha, ay cuqdad ku abuur-ayso ganacsiga xorta ah ama ay is hortaagayso tartan caddaali ah.

t) Xogaha la xidhiidha baadhitaanka iyo qiimeynta iibka, brobos-aalada ama qiime-sheegyada la soo jeediyey marka laga reebo nidaamka kooban ee lagu tilmaamay farqada laad (x) ee qodobkan.

፪. ከሸናፊው ጋር ውል ከተፈረመ ወይም በማናቸውም ምክንያት ውሉ ከተቋረጠ በኋላ የገዢውን ዝርዝር ስፈዳም የሚያሳየው መረጃ በጨረታው ዕጩ ተሳታፊ የሆኑ ተወዳዳሪዎች ሲጠይቁ እንዲያዩት መደረግ አለበት። ይሁን እንጂ በሌላ ሥልጣን በተሠጠው አካል ወይም ፍ/ቤት ካልታዘዘ በስተቀር የመንግሥት መሥሪያ ቤቱ የሚከተሉትን መረጃዎች መስጠት የለበትም።

ሀ/ የመረጃው ይፋ መሆን በሕግ የማይፈቀድ ፣ የሕግ ስፈዳምን የሚያሰናክል ፣ የሕዝብን ጥቅም የሚቃረን ፣ የተዋዋዮችን ሕጋዊ የንግድ ጥቅም እንዲሁም ቀና ውድድርን የሚገዳ ከሆነ ፣

ለ/ በዚህ አንቀጽ በንዑስ አንቀጽ (ጳ) (መ) በተመሰከተው መሠረት በማሳጠር የተዘጋጀውን ሰነድ ካልሆነ በስተቀር ከተጫራች የቀረበውን የመወዳደሪያ ሀሳብ ከመመርመር እና ከመገምገም ተገባር ጋር የተያያዙ መረጃዎችን ፣ እና ተጫራች ያቀረው ምቹውን የመወዳደሪያ ሀሳቦች እና የጨረታ ሰነዶች ይዘት የሚገልጹ መረጃዎች ፣

2. The record concerning any proceeding shall on request, and once the proceedings have resulted in a contract or have otherwise been terminated, be made available to candidates who participated in the proceedings. However, except when ordered to do so by a competent court or other body authorized by law and subject to the conditions of such an order, the Public Body shall not disclose:

(a) Information if its disclosure would be contrary to law, would impede law enforcement, would not be in the public interest, would prejudice legitimate commercial interest of the parties or would inhibit fair competition;

(b) Information relating to the examination and evaluation of bids, proposals or quotations and the actual content of bids, proposals or quotations, other than in the summary record form referred to in sub-Article (1)(d) of this article.

Qod 16^{aad} - Sinaanshaha

Iyada oo aan lagu xad gudbin arimaha lagu qeexay qod-obka.25^{aad} ee bayaankan waa inaan ka qayb galayaasha looga takoorin ka qayb-galka iibka dawladda qaab ku salaysan qawmiyad, isir ama shuruudo kale oo aan la xidhiidhin kartida ay leeyihiin.

Qod 17^{aad} - Mudnaanta/tixgelinta

1. Awaamiirta Madax-xafiiseedku soo saari doono mudnaanta loogu xaddidi doono Qalabyada Itoobiya gudaheega lagu sameeyey; Shaqooyinka ay fulinayaan muwaadiniin Itoobiyaan ah iyo hawlaha la talintaba waa in loogu deeqaa marka lagu guda jiro geedi-socodka hawlaha qiimeynta.
2. Mudnaanta ku xusan xubin (1) ee qodobkan ka sokow, mudnaan kale oo xadigeeda lagu xaddididoono awaamiirta uu soo saaridoono Madax-xafiiseedka maaliyadda ayaa lagu siin karaa hayadaha yaryar iyo kuwa naqan ee lagu sameeyay bayaanka dawladda federaalka ee hayadaha yaryar iyo kuwa naqan.
3. Haddii marka la qiimaynayo tartanka iibka ee alaabta, adeegyada, ama shqooyinka dhismaha ay tartamayaashu dhibca isku mid ah helaan tartamayaasha soo gudbiyay alaabo qiimaha iyo tayadooduba isku mid yihiin, mudnaanta waxaa la siinayaa alaabta, adeegga, ama shirkadaha dalka laga leeyahay.

፲፯ አድልዎ የሰማድረግ

በዚህ አዋጅ አንቀጽ ፳፭ የተደነገገው አንደተጠበቀ ሆኖ በዚገነት፣ በዘር ወይም ከመወዳደሪያ መስፈርቶች ጋር ባስተያያዙ ሌሎች ምክንያቶች በመንገዱ ገዥ አፈ.ፃፀም ሂደት በማንኛውም ዕጩ ተወዳዳሪ ላይ አድልዎ ሊደረግ አይችልም፡፡

፲፰ ልዩ አስተያየት

- ፩. በቢሮው ኃላፊው በሚወጣው መመሪያ በሚወሰነው መሠረት በጨረታ ግምገማ ወቅት በኢትዮጵያ ለተመረቱ ዕቃዎች፣ በኢትዮጵያ ከባንደዎች ለሚከናወኑ የግንባታ ዘርፍ ሥራዎች እና በኢትዮጵያ ከባንደዎች ለሚከናወኑ የምክር አገልግሎት ሥራዎች ልዩ አስተያየት ይደረግላቸዋል፡፡
- ፪. በአነስተኛ እና ጥቃቅን ተቋማት አዋጆች መሠረት የተቋቋሙ አነስተኛ ተቋማት በዚህ አንቀጽ ንዑስ አንቀጽ ፩ የተጠቀሰው እንደተጠበቀ ሆኖ ሚኒስትሩ በሚያወጣው መመሪያ መሠረት ተጨማሪ ልዩ አስተያየት ሊደረግላቸው ይችላል፡፡
- ፫. የዕቃዎች፣ አገልግሎቶች ወይም የግንባታ ሥራዎች ጥራትና ዋጋ ተመሳሳይ ሆኖ ተጫራቾች በግምገማ እኩል ነጥብ ሲያገኙ ለአገር ውስጥ ምርቶች፣ አገልግሎቶች ወይም ከባንደዎች ቅድሚያ ይሰጣል፡፡

16. Non-discrimination

Without prejudice to Article (25) of this Proclamation, candidates shall not be discriminated against in the proceeding of public procurement on the basis of nationality, race or any other criterion not having to do with their qualifications.

17. Preference

1. A preference margin which shall be determined by a directive to be issued by the Head of the Bureau for goods produced in Ethiopia; for works carried out by Ethiopian nationals and for consultancy services rendered by Ethiopian nationals be granted in the evaluation process.
2. In addition to the preference provided for in sub-Article (1) of this Article, further preference of such margin as to be determined by the directive to be issued by the Head of the bureau may be allowed for Small and Micro Enterprises established in accordance with Small and Micro Enterprises Proclamation.
3. Where in the evaluation of bids for procurement of goods, services or works equal percentage points are resulted for bidders offering similar price and quality, preference shall be given to local goods, services or companies.

4. Fulinta ujeeddad ku xusan xubinka (1) ee qodobkan, alaabkasta oo qiimaheeda 35% in ka badan Etoobiya lug ku leh, waxaa laga soo qaadayaa in Etoobiya laga soo saaray.

Qod 18^{aad} Nidaamka Xidhiidhka

1. Xidhiidhka ka dhaxaynaya xafiisyada dawladda iyo ka qayb-galaayaasha tartanku waa inuu noqdo qoraal. Xidhiidhyada nidaamyada kale oo dhan waa in tixraac qoraal ah loo sameeyo.
2. Iyadoo la dhawrayo sugidda xaqiqada iyo dhawrsanaanta sir nimo. Isla markaana shuruudaha farsamo ay samaxaan, madax-xafiiseedku wuxuu soo saari Kara awaamiir kale oo lagu xidhiidhi karo.

Qod 19^{aad} Luqadda

1. Haddii aanu ahayn Iib ay tartamayaal caalami ahi kasoo qaybgalayaan oo uu yahay tartan ay muwaadiniinta oo kali ahi kasoo qaybgalayaan, dokumayntiga tartanka waxaa lagu diyaarinaya oo kaliya afka Soomaaliga. Hase ahaatee haddii loo garto intuu ku haboon yahay oo aanu carqaladaynaynin tartanka xorta ah ayna muwaadiniinta oo kaliyaati ka qayb qaadanaayaan, xafiisyada dawladdu waxay ogolaan karaan in tartanka ama dokumentiga tartanka iyo foomamka tartansiintaba lagu qoro Af- Ingriisi.
2. Haddii Iibku yahay mid heer Caalami ah, dhamaan dokumantiyada tartan waa in lagu diyaariyaa Afka Ingriisiga.

፬. ለዚህ አንቀጽ 30-ስ አንቀጽ ፩ አፈ.ፃፀም ማናቸውም ዕቃ ከዋጋው ከፀፎ መቶኛ በላይ በኢትዮጵያ ውስጥ የታከለ ከሆነ በኢትዮጵያ ውስጥ እንደተመረተ ይቆጠራል።

፲፰ የግንኙነት ስልት

- ፩. በመንግሥት መሥሪያ ቤቶችና በዕጩ ተወዳዳሪዎች መካከል የሚደረጉ ግንኙነቶች በፅሁፍ መደረግ አለባቸው። በፅሁፍ ያልተደረጉ ማናቸውም ግንኙነቶች በማከታተል በፅሁፍ መረጋገጥ አለባቸው።
- ፪. የቢሮ ኃላፊው የመረጃ ልውውጡን ትክክለኛነት እና በምስጢር መጠበቅን ማረጋገጥ የሚያስችሉ ሥርዓቶች መዘርጋታቸውን እና በቴክኒክ ረገድ ተፈላጊ ሁኔታዎች መሟላታቸውን ሲያረጋግጥ ከፅሁፍ በተጨማሪ ወይም በፅሁፍ ምትክ በኢሌክትሮኒክስ ዘዴ ግንኙነት ማደረግ የሚያስችል መመሪያ ሲያውጣ ይችላል።

፲፱ ቋንቋ

- ፩. ዓለም አቀፍ ተጫራቾች የሚሳተፉበት ገዢ ካልሆነ በስተቀር የአገር ውስጥ ተጫራቾች ብቻ ለሚሳተፉበት ብሔራዊ ጨረታ የጨረታ ሰነድ የሚዘጋጀው እና ጨረታው የሚካሄደው በአማርኛ ቋንቋ ነው። ሆኖም ሰገዥው አካሄድ አመቺ መሆኑ ከታመነበት የተሟላ ውድድርን እንደማይገደብ ተረጋግጦ የአገር ውስጥ ተጫራቾች ለሚሳተፉበት የአገር ውስጥ ጨረታ፣ የጨረታ ሠነድ እና የመጫረቻው ሰነድ በእንግሊዘኛ ቋንቋ እንዲዘጋጁ የመንግሥት መ/ቤቱ ሲፈቅድ ይችላል።
- ፪. ለዓለም አቀፍ ግዥ ጨረታ ማስፈፀሚያ የሚዘጋጁት ማናቸውም ሰነዶች በእንግሊዘኛ ቋንቋ መሆን ይኖርባቸዋል።

4. For the purpose of sub Article one of this Article any good to which more than 35% of the value added occurs in Ethiopia shall be deemed as one which is produced in Ethiopia.

18. Form of Communications

1. Communications between candidates and Public Bodies shall be in writing. Communications in any other form shall be referred to and confirmed in writing.
2. Subject to necessary safeguards with regard to authenticity and confidentiality, and when technical conditions so permit, the Head of the Bureau may issue a directive to determine the extent to which communication by electronic means may be used in addition to or instead of writing.

19. Language

1. Except where procurement proceedings involves international bidders, for national bids in which only local bidder participate, the bid document shall be prepared and the bid process shall be conducted in the Somali language. However, if it is found to facilitate the procurement process, the Public Body concerned may authorize the use of English language in the preparation of bid documents and bid proposals in a national bid in which only local bidder participate, provided that such an act is not prejudicial to fair competition.
2. For procurement to be conducted by means of International competitive bidding, all documents shall have to be prepared in the English language

Qod 20^{aad} Kartida ka qayb-galeyaasha

1. Si looga qayb-gallo iiby-adda dawlaga ah, ka qayb-galayaashu waa in ay yihiin kuwo u qalma ka qayb-galka, buuxiyana shuruudaha soo socda iyo shuruudaha kale ee Xafiiska dawladdu u arko in xaalada 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 waayo-aragnimada looga baahnaa iney u yeeshaan waxyaabaha dulucda iibka ku jira, sumcada iyo cudduda shaqaale ee fulinaysay heshiiska.

t) Waa in ay leeyihiin awood sharci oo ay ku gali karaan heshiis.

j) Waa inayna noqon kuwa khasaaray, ama la xidhayo ama ganacsigii ay Ku jireen aan laga xanibin ama wax dacwad sharci oo la xidhiidha arimahani ayna ku soconin.

x) Sida ku cad awaamiirta iibka ee uu soo saaridoono Madax-xafiiseedku, waa inay ku qoran yahay diwaanka liiska alaabkeenayaasha.

Kh) Haddi mar hore laga joojiyay ka qayb galka iibka dawladda, waa inay ka dhamaatay muddadii xanibaadu

፳. የዕጩ ተወዳዳሪዎች ብቃት

፩. በማንኛውም የመንግሥት ግዥ ለመሳተፍ ዕጩ ተወዳዳሪዎች ከዚህ በታች የተዘረዘሩትን እና የመንግሥት መሥሪያ ቤቶች ከግዥው ልዩ ባህርይ በመነሳት የሚያወጧቸውን ሌሎች መስፈርቶች ማሟላት አለባቸው።

ሀ/ በሚገቡት ውል መሠረት ለመፈጸም የሚያስችል የሙያና የቴክኒክ ብቃት፣ የፋይናንስ አቅም፣ መሣሪያ እና ሌሎች የመገልገያ ሥፍራዎች ፣ ግዥው በሚፈጸምበት ተግባር የሥራ አመራር ችሎታ ፣ መልካም ዝና እና የሰው ኃይል ያላቸው።

ለ/ ውል ለመፈጸም የሚያስችል የሕግ ችሎታ ያላቸው።

ሐ/ በዕድ ያልተያዘ፣ ያልከሰተ ወይም የሥራ እንቅስቃሴውን ያላቋረጠ፣ የንግድ ሥራ እንቅስቃሴው ያልታገደ፣ ወይም በእነዚህ ምክንያቶች ተከሶ በከርከር ላይ ያልሆነ።

መ/ ቢር ኃላፊው በሚያወጣው መመሪያ የተመሰከተው እንደተጠበቀ ሆኖ፣ በአቅራቢዎች ዝርዝር ውስጥ የተመዘገበ ።

ሠ/ በመንግስት ግዥ እንደዳይሳተፍ ታግዶ የነበረ ከሆነ የታገደበትን ጊዜ ያጠናቀቀ።

20. Qualification of candidates

1. In order to participate in public procurement, candidates must qualify by meeting the following criteria and such other criteria, as the Public Body considers appropriate under the circumstances:

(a) that they possess the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, experience in the procurement object, reputation, and the personnel, to perform the contract;

(b) that they have the legal capacity to enter into the contract;

(c) that they are not insolvent, in receivership, bankrupt or being wound up, their business activities have not been suspended, and they are not the subject of legal proceedings for any of the foregoing;

(d) subject to the directives to be issued by the Head of the Bureau, that they are registered in the suppliers list;

(e) that the period for which they were suspended from participating in public procurement is over;

d) Waa in ay yihiin kuwo fuliyay waajibaadkii ka saarnaa bixinta cashuuraha dawlada ee sharcigu ku waajibiyay isla markaasina uu cusboonaysiistay liisan-kiisa shaqo.

r) .waa inuu Bangiga akawnti ku leeyahay.

2. Xafiiska dawladdu si uu u xaqiijiyo iney tartameyaasha ku meel-gaadhka ahi yihiin kuwo buuxinaya dhammaanba shuruudaha lagu faah-faahiyey farqada^{1aad} 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 iibka , isla markaana waa in ka qayb galayaasha oo dhan si siman loogu dhaqaa.

4. Xafiiska iibka fulinaaya 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 dawladdu wuxuu awood u leeyahay inuu liiska tartameyaasha ka saaro tartamihii dukumentiga uu xafiiska u soo gudbiyey laga helo xog khaladan oo uu uga dan leeyahay inuu shuruud oofiyo. Waxa kale oo uu liiska ka saari karaa tartamaha goor kasta oo laga helo doku-mantigiisa xog khaldan.

፩/ የታደሰ የንግድ ሥራ ፈቃድ ያሰውና በኢትዮ ጵድ የግብር ስጉች በተደነገገው መሠረት የግብርና የታከሰ ገዲታ ውን የተወጣ፤

ሰ/ የባንክ ሂሳብ ያሰው፤

፪. የመንገድ መሥሪያ ቤቱ ዕጩ ተወዳዳሪዎች በዚህ ስንቀጽ ንዑስ ስንቀጽ ፩ የተዘረዘሩትን መስፈርቶች የሚያሟሉ መሆኑን ለማረጋገጥ ስለፈላጊ የሆኑ የሰነድ መረጃዎችን ወይም ሌሎች መረጃዎችን እንዲያቀርቡ መጠየቅ ይችላል።

፫. በዚህ ስንቀጽ መሠረት ዕጩ ተወዳዳሪዎች እንዲያሟሉ የሚጠበቁት መስፈርቶች በጠረጎታ ሰነድ ወይም የተጫራችን የመወዳደሪያ ሀሳብ ለመጠየቅ በሚዘጋጁ ሰነዶች ውስጥ መመልከት ያለባቸው ሲሆን፣ በሁሉም ተጫራች ላይ በእኩልነት ተፈፃሚ መሆን አለባቸው።

፬. የመንገድ መሥሪያ ቤቱ በዚህ ስንቀጽ ንዑስ ስንቀጽ ፫ መሠረት የሚቀርቡትን ሰነዶች እና የመመዘኛ መስፈርቶችን መሠረት በማድረግ የዕጩ ተወዳዳሪዎችን ብቃት መገምገም አለበት።

፭. የመንገድ መሥሪያ ቤቱ ብቃት ያላቸው መሆኑን ለማስረዳት ሀሰተኛ መረጃ የያዙ ሰነዶችን ያቀረቡ ዕጩ ተወዳዳሪዎች ወይም ብቃታቸውን ለማረጋገጥ ያቀረቡት መረጃ መሠረታዊ ስህተት ያለበት ወይም ያልተሟላ መሆኑ በማናቸውም ጊዜ የተረጋገጠ ዕጩ ተወዳዳሪዎች ከጠረጎታ ውጪ እንዲሆኑ ያደርጋል።

(f) that they have renewed trade license and fulfilled their obligations to pay taxes according to Ethiopian tax laws;

(g) that they have a bank account.

2. The Public Body may require candidates to provide such appropriate documentary evidence or other information as it may deem useful to satisfy itself that the candidates are qualified in accordance with the criteria referred to in Sub-Article (1) of this article.

3. Any requirement established pursuant to this Article shall be set forth in the bid documents or other documents for solicitation of proposals, and shall apply equally to all candidates.

4. The Public Body shall evaluate the qualifications of candidates in accordance with the criteria and procedures set forth in the documents referred to in sub-Article (3) of this article.

5. The Public Body shall disqualify a candidate who submits a document containing false information for purposes of qualification; it shall disqualify a candidate if it finds at any time that the information submitted concerning the qualifications of the candidate was materially inaccurate or materially incomplete.

Qod 21^{aad} - Qeexid farsamo

1. Farsamada iyo faahfaahinta tilmaamaya dabeecadaha qalabka, shaqooyinka/adeegyada qorshaysan in la soo iibiyo 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, wax-qabadka, dhinaca badbaadada iyo haddii loo baahdo dhinaca baaxadaha, calaamadaha, erayada la adeegsaday, qaabka loo cabbanayo, summadeynta iyo ku dhejitaanada ama geedisocodka hawlaha iyo hannaanka lagu soo saarayo iyo weliba waxyaabaha loo baahan yahay ee la xidhiidha qiimeynta lagu samaynayo siday u waafaqsan yihiin hannaanada lagu shaqeeyo.
3. Qeexitaanka farsamo ee ay diyaariyeen xafiisyada dawladaha, markay munaasib tahay;
 - b. Waa inay noqdaan kuwo laga eegayo dhinaca kartida hawlfuulined halkii xoo-gga laga saari lahaa xagga naqshada ama dabeecadaha faahfaahinaya:

፳፩ የቴክኒክ ፍላጎት መግለጫ

- ፩. ስለገዢው ምንነት ትክክለኛና የተሟላ መግለጫ እንዲኖር እንዲሁም ዕጩ ተወዳዳሪዎች ፍትሀዊና ገልፅ በሆነ ስህተት መወዳደር የሚችሉበትን ሁኔታ ለማመቻነት ገዢ ፈፃሚ ስነሳት የሚገዙ ዙዋቸውን ዕቃዎች ፣ የገንባታ ሥራዎች ወይም አገልግሎቶች ባህርይ የሚያሳይ የቴክኒክ ፍላጎት መግለጫ ማዘጋጀት አለባቸው።
- ፪. የቴክኒክ ፍላጎት መግለጫው የመንግስት መ/ቤቱ ሊገዛ የሚፈልገውን ዕቃ ጥራት፣ ጠቀሜታ፣ ተገቢ ጥንቃቄ፣ እንደአስፈላጊነቱ መሰኪያውን፣ መሰያውን፣ መጠሪያውን፣ አስተሳሰቡን፣ ምልክቱን፣ ወይም የአመራረቱን ሂደትና ዘዴ እንዲሁም ተፈላጊ የሆነውን ባህርይ የሚያሟላ መሆኑ የሚረጋገጥበትን ሥርዓት የሚገልፅ መሆኑን አለበት።
- ፫. የመንግስት መሥሪያ ቤቱ የሚያዘጋጀው የቴክኒክ ፍላጎት መግለጫ እስከ ተቻለ ድረስ፣
 - ሀ/ በዲዛይን ወይም ባሕሪ ሪፖርትን በመዘርዘር ላይ ሳይሆን በጠቀሜታ ላይ፣

21. Technical Specification

1. Technical specifications and descriptions laying down the characteristics of the goods, works or services to be procured shall be prepared for the purpose of providing a correct and complete description of the object of procurement and for the purpose of creating conditions of fair and open competition between all candidates.
2. The technical specifications shall clearly describe the Public Body's requirements with respect to quality, performance, safety and where necessary dimensions, symbols, terminology, packaging, marking and labeling or the processes and methods of production and requirements relating to conformity assessment procedures.
3. Technical specification prescribed by Public Bodies shall, as far as possible:
 - (a) be in terms of performance rather than design or descriptive characteristics; and

t. Waa inay noqdaan kuwo lagu saleeyey shuruudaha u yaal heerarka qaran (National standards) marka ay jiraan, hase yeeshee mararka kale waxaa la adeegsan shuruudaha adduunku aqoon san yahay ama xeerarka dhismaha.

j. waa inay noqoto mid tartan balaadhan bandhigaysa oo aan lahayn erayo carqalad ku noqon kara tartanka.

4. Waa inaysan jirin wax baahi ah ama wax tixraac ah oo ku dhex jira qeexitaanka dhinaca farsamada oo ku saabsan astaan ganacsi ama magic/nooc (brand), cidda iibku u xidhan yahay, ama khaas ah asaliyadiisa, soo saare ama adeeg bixiyaba haddii aysan jirin wadiiqo si buuxda ama maskax gal ah oo lagu sharixi karo iibka loo baahan yahay, isla markaana ku xidhan jiritaanka kalmadaha” sidaas si la mid ah ama u dhigma“in lagu soo daro dulucda qeexitaanka.

Qod 22^{aad}- Burinta tartanada brobosaalada iyo qiime-sheegyada

1. Xafiisyada dawladu waxay mar kasta burin karaan tartanka iibka, brobosaalada ama qiima-sheegyada inta aan heeshiiska iibka la saxeexin, sababahan hoos ku xusan hal ka mid ama kabadan:

ሰ/ አገራዊ ደረጃ የወጣሰት ሲሆን ደረጃውን ወይም ዓለም ዐቀፍ ተቀባይነት ያላቸውን ደረጃዎች ወይም የገንባታ ኮዶች መሠረት ያደረገ ፣

ሐ/ ሰፊ ውድድርን የሚጋብዝ እና ውድድርን ሊገድቡ የሚችሉ መገሰጫዎች ያልተካተቱበት መሆን አለበት።

፬. የመንግሥት መሥሪያ ቤቱን ፍላጎት በትክክል ለመገለጽ አስችጋሪ ካልሆነ ወይም ሌላ ዘዴ ካልታጣ በስተቀር የቲክኒክ መገሰጫ የተለየ የገንደ ምልክት ወይም ስም ፣ ፓተንት ፣ ዲዛይን ወይም የተወሰነ አምራች ወይም አገልግሎት ሰጪ የሚጠቅሰ መሆን የለበትም። አስገዳጅ ሁኔታ በሚያጋጥምበት ጊዜ «ወይም ተመሳሳይ» የሚል ሐረግ በዕቃና አገልግሎት ዝርዝሩ ውስጥ መታከል ይኖርበታል።

፳፪ ጨረታን፣ የመወዳደሪያ ሀሳብን እና የዋጋ ማቅረቢያን ውድቅ ስለማድረግ

፩. የመንግሥት መሥሪያ ቤቶች ከሚከተሉት በአንዱ ወይንም ከአንድ በላይ በሆኑ ምክንያቶች ጨረታን፣ የመወዳደሪያ ሀሳብን እና የዋጋ ማቅረቢያን የገዥ ስምምነት ከመደረጉ በፊት በማናቸውም ጊዜ ሙሉ በሙሉ ወይም በክፍል ውድቅ ማድረግ ይችላሉ።

(b) be based on national standards, where such exist, or otherwise on internationally recognized standards or building codes;

(c) inviting open competition and devoid of any statement having the effect of restricting competition.

4. There shall be no requirement or reference in the technical specifications to a particular trademark or name, patent, design or type, specific original producer or service provider, unless there is no sufficiently precise or intelligible way of describing the procurement requirements of the Public Body and provided that words such as “or equivalent” are included in the specifications.

22. Rejection of Bids, Proposals and Quotations

1. The Public Body may for one or more of the following reasons reject in whole or in part bids, proposals or quotations at any time prior to the conclusion of procurement contract where:

<p>b) marka ay caddato in geedisocodka iibka dhexdiisa laga sameeyay khaladaad saamayn kara natiijada</p> <p>t) marka la xaqiijiyo qorshaha iibka oo la badalay ama fursad ka fiican oo baahida xafiiska oofinaysa oo la helay awgeed iibka fulintiisu in aanay faa'iido dhaqaale iyo mid farsamo toona u lahayn xafiiska.</p>	<p>u/ በገዥ አካሄድ ላይ ውጤቱን ሲያዛባ የሚችል ስህተት መፈጸሙ ከተረጋገጠ፤</p> <p>n/ በስራ ዕቅድ መቀየር ምክንያት ወይም የመሥሪያ ቤቱን ፍላጎቱን ለማሟላት ሌላ የተሻለ አማራጭ በመፈጠሩ ምክንያት ገዥውን ማካሄድ ለመንገሥት መሥሪያ ቤቱ የተሻለ ቴክኒካል ወይንም ኢኮኖሚያዊ ጥቅም የሌለው መሆኑ ሲረጋገጥ</p>	<p>(a) there is proof of error in the procurement proceeding which could affect the outcome of the bid;</p> <p>(b) it is ascertained that the procurement has no use in enabling the Public Body to obtain a better technical or economic advantage as a result of a change of work plan or another alternative representing a better option to meet the requirement of the Public Body;</p>
<p>j) marka ay tartamayaashu ku guul daraystaan inay gaadhan heera ugu hoosaysa shuruudaha ku cad dokumantiga tartanka</p>	<p>h/ የቀረቡት ተጨራሾች በጨረታ ሰነድ ላይ የተቀመጠውን ዝቅተኛ መስፈርት የማያሟሉ ሲሆን</p>	<p>(c) bidders fail to meet the minimum criteria set forth in the bid document.</p>
<p>x) marka qiimaha ugu hooseeya ee tartamayaashu ka sare maro qiimaha suuq ee ay Wakaalddu faafisay isla markaasina uu xafiiska dawladdu filayo inuu helayo qiime uga fiican haddii uu dib qabto tartan kale.</p>	<p>መ/ በጨረታ የቀረበው ዝቅተኛ ዋጋ ኢጅንሲው ከሚያስረጩው የገበያ ዋጋ በላይ ሲሆን፣ እና የመንገሥት መሥሪያ ቤቱ ድጋሚ ጨረታ በማውጣት የተሻለ ዋጋ የሚገኝ መሆኑን ሲገምት፤</p>	<p>(d) the minimum price offered in the bid does not match with the market price circulated by the Agency and the Public Body expected that it can get a better price advantage by re-advertising the bid;</p>
<p>Kh) marka qiimaha uu tartamuhu ku guulaystay ka sare maro ku talagalka miisaaniyadda loo qoondeeyay iibka islamarkaasina xafiisku aanu sinaba u buuxin karin farqiga dhimaalka ah.</p>	<p>ሠ/ በጨረታው አሸናፊ የሆነው ተጨራሾች የሰጠው ዋጋ የገዥ ፈፃሚ መ/ቤቱ ለገዥው ከያዘው በጀት በላይ ሲሆን እና ባለበጀት መ/ቤቱ የበጀቱን ልዩነት ከሌላ ምንጭ ማሟላት የማይችል ሲሆን</p>	<p>(e) the price offered by the successful bidder exceeds the budgetary allocation made for the procurement and the Public Body cannot make up for the deficiency from any other source;</p>
<p>d) marka ay caddaato inay tartamayaashu hoos u heshiiyeen oo aanu tartan xor ahi dhicin.</p>	<p>ረ/ ዕጩ ተወዳዳሪዎች የገዥ አካሄድን ለማዛባት በመመሳጠራቸው በቂ ውድድር አስመደረጉ ሲረጋገጥ</p>	<p>(f) it is proved that the bidding is not sufficiently competitive as a result of connivance among candidates.</p>
<p>2. Xafiisyada dawladdu go'aanka diidmada ee ay ku qaateen hab waafaqsan farqadda (1) ee qodobkan, waa in sida ugu dhakhsaha badan ay ugu war galiyaan ka qayb galayaasha tartanka.</p>	<p>፪. የመንገሥት መሥሪያ ቤቶች ከዚህ በላይ በንዑስ አንቀጽ ፩ በተመለከተው መሠረት ጨረታን፣ የመወዳደሪያ ሀሳብን፣ የዋጋ ማቅረቢያን ሙሉ በሙሉ ወይንም በከፊል ሲሠርዙ ምክንያቱን የሚገልፅ ማስታወቂያ ለዕጩ ተወዳዳሪዎች ወዲያውኑ እንዲደርስ ማድረግ አለባቸው። ሆኖም የምክንያቶችን አገባብነት እንዲያስረዱ አይገደዱም።</p>	<p>2. Public Bodies shall have to give notice to candidates forth with disclosing the reasons for rejecting bids, proposals or quotations wholly or partially in accordance with sub Article (1) of this Article. However, they shall not be required to justify the reasons.</p>

- 3. Haddii go'aanka diidmada tartanka la gaadho ka hor mudada uu xidhmayo tartanka iibka, xafiisku dhokumentiyada tartanka iibka ee uu qabtay dib ayuu ugu celin tartameyaasha iyadoon la furin.
- 4. Xafiisyada dawladdu talaabada ay ku qaaday hab waafaqsan farqada (1) ee qodobkan uguma qoolaan karo ka qayb galayaasha.

፫. ጨረታውን ውድቅ የማድረጉ ውሳኔ የተሰጠው ጨረታው ከመክፈቱ በፊት ከሆነ የመጨረቻ ሰነዶቹ እንደታሸጉ ለሰጩ ተወዳዳሪዎች መመለስ አስባቸው።

፬ የመንገድ መሥሪያ ቤቶች ከዚህ በላይ በንዑስ አንቀጽ ፩ በተመለከተው መሠረት ጨረታን ፣ የመወዳደሪያ ሀሳብን፣ የዋጋ ማቅረቢያን ውድቅ በማድረጋቸው ምክንያት ምንም ዓይነት ተጠያቂነት አይኖርባቸውም።

- 3. If the decision to reject all bids is taken before the opening date and time, the bids received shall be returned unopened to the candidates submitting them.
- 4. The procuring entity shall incur no liability towards candidates solely by virtue of its invoking sub-Article (1) of this Article.

Qod 23^{aad} Iibka Elaktarooniga ah

Si Iibka dawladda looga dhigo mid casri ah oo aan qarsoodi ahayn isla markaasina faa'iido dhaqaale keena, wuxu madax-xafiiseedku fasixi karaa in habka elaktaroonakaska ah loo isticmalo nidaam iib. Hadaba, si arrintan loo dhaqan galiyo:

- 1. Xafiiska (BOFED) ayaa xaqiijinaya in xafiisyada dawladda, alaab-keenayaa-sha, iyo ha'adaha kormeerkuba ay samaysteen awooddii (katidii) ay ku hirgalin lahaayeen nidaamka.
- 2. Madax-xafiiseedku markuu ku qanco in qaab-shaqeedka iyo awoodda xafiisyada dawladda iyo alaab-keenayaashu ay u diyaarsan yihiin inay iibka ku fulin karaan nidaamka Elaktarooniga ah xogta la isku dhaafsado, wuxuu ogolaan karaa, isaga oo u dhamaystiraya qaabku u shaqayn lahaa oo dhan, in iibka dawladda dhamaantii ama in xaddidan lagu fuliyo nidaamkan.

፳፫ የኤሌክትሮኒክስ ግዥ

ቢሮ ኃላፊ ገዥ ወጪ ቆጣቢ ፣ ገጠፅ እና ዘመናዊ እንዲሆን ለማድረግ እንዲቻል ሂደቱ በኤሌክትሮኒክ ዘዴ እንዲፈጸም ሲያደርግ ይችላል። ይህንን ሥራ ላይ ማዋል እንዲቻል፡-

፩. ቢሮው በመንገድ መሥሪያ ቤቶች፣ አቅራቢዎች እና በተቆጣጣሪ አካሎች አሰራሩ ሩን ለመተግበር የሚያስችል አቅም መፈጠሩን ያረጋግጣል።

፪ የቢሮ ኃላፊው የቀረበውን በኤሌክትሮኒክ የመረጃ ልውውጥ ዘዴ ገዥን የመፈጸም አሰራር በመመርመር እና አጠቃላይ የመንገድ መሥሪያ ቤቶች እና የአቅራቢዎች አሰራር እና አቅም ገዥን በኤሌክትሮኒክስ የመረጃ ልውውጥ ለመፈጸም ዝግጁ ነው ብሎ ሲያምን ተገቢውን የአሰራር ስርዓት በመዘርጋት ሥርዓቱ በተወሰኑ ወይም በሁሉም የመንገድ ገዥዎች ተፈጻሚ እንዲሆን ሲያደርግ ይችላል።

23. Electronic Procurement

To achieve economy, transparency and modernization in public procurement, the Head of the Bureau may authorize the use of electronic means as a method of procurement. In order to implement this:

- 1. the Bureau shall ensure that Public Bodies, suppliers and supervising entities develop the capacity required to implement the system.
- 2. where he is satisfied that the overall system and capacity of Public Bodies and suppliers allows the carrying out of procurement through electronic exchange of information, the Head of the Bureau may authorize the implementation of the electronic system in all or certain public procurement proceedings by establishing the appropriate framework for the operation of the proposed electronic system.

Qod 24^{aad} Xeer asluubeedka Maamulka Hantida & Iibka dawladda

፳፬ የመንግስት ግዥ እና ንብረት አስተዳደር ሥነ-ምግባር

24. Rules of Ethics in Public Procurement and Property Administration

1. Iyadoo laga duulayo faah-faahinta lagu xusi doono awaamiirta madax-xafiiseedku soo saarayo, shaqaalaha ka shaqeeya maamulka hantida iyo iibka dawladda waxaa laga rabaa inay ilaaliyaan xeerarka asluubshaqeed ee halka hoose ku qoran marka ay waajib-aadkooda gudanayaan:

፩ ዝርዝር አፈፃፀማቸው የቢሮ ኃላፊው በሚያውጣው መመሪያ የሚገለፅ ሆኖ በግዥና ንብረት አስተዳደር ሥራ ላይ የተሰማሩ ሠራተኞች የሚከተሉትን የስነ ምግባር መርሆዎች ተከትለው ተግባራቸውን ያከናውናሉ።

1. Subject to the details to be specified in the directive to be issued by the Head of the Bureau, personnel engaged in public procurement or property administration shall have to observe the following rules of ethics in the discharge of their duties:

b) Inay ka soo digaan/soo sheegaan danaha iska-iskhilaafaysa ee ka jira amaaba ka imanka kara geedi-socodka shaqadooda iskana dadbaan shaqadaasi,

ሀ/ የተፈጠረ ወይንም ሲፈጠር የሚችል የጥቅም ገጭትን የማሳወቅ እና ራስን ከሌደቱ የማግስል፤

(a) the obligations to notify any actual or possible conflict of interest and isolate oneself from any processes involving such conflict;

t) Inay tartamayaasha siiyaan fursad siman oo tartan iyo mid shaqoba

ለ/ ሰዕጩ ተወዳዳሪዎች እና አቅራቢዎች እኩል የመወዳደር እና የመፈጸም እድል የመስጠት፤

(b) to give candidates and suppliers equal opportunity of competition and performance;

j) Inay xafidaan xogta sirta ah ee xafiisyada dawladda, tartamayaasha, iyo alabkeenayaasha ee ay ogaadaan marka ay gudabayaan wajibaadkooda shaqo,

ሐ/ በስራ አጋጣሚ ያወቃቸውን የመንግሥት መሥሪያ ቤቱን እና የዕጩ ተወዳዳሪዎችን ወይም የአቅራቢዎችን መረጃ በሚስጥር መጠበቅ፤

(c) keep in secret any confidential information concerning the Public Body, candidate or supplier which he/she came to know on account of his/her duty.

x) Inay diidaan hadiyada ama balan-qaadka ku aadan fursad shaqo ama wax kasta oo qiima lacageed ama adeeg leh.

መ/ ስጦታ ወይም የሥራ ዕድል ወይም የገንዘብ ዋጋ ያለውን ነገር ወይም አገልግሎት አስመቀበል፤

(d) to reject any gift or offer of an employment opportunity or anything of monetary value or service;

Kh) inay wargeliyaan ha'adaha sharci ilalinta fal kasta oo la sameeyay ama lagu tala jiro inuu sameeyo oo musuq-maasuq ah ee uu ogaado iyo inuu caawiyo dadaalka lagu dagaalamayo musuq-maasuqa iyo shaqo xumadaba,

ሠ/ በስራ ሊደት ያወቃቸውን ሲፈጠሩ የታሰቡ ወይንም የተፈጠሩ የሙስና ተገባራትን ለሌግ አስፈፃሚ አካላት የማሳወቅ እና ሙስናን እና ብልሹ አሰራርን ለመዋጋት የሚደረገውን ጥረት የማገዝ፤

(e) to report to the law enforcement agencies any intended or completed action of corruption and contribute to the effort to fight corruption and malpractice;

d) Inay muujiyaan dareen lahaansho oo ku aadan hantida iyo khayraadka dawladda.

2. Tartame walba ama alaab-keene walba waa inuu ka fogaado wax kasta oo carqalad ku noqon kara gee-di-socodka iibka dawladda iyo wareejinta hantida ay dawladdu ka maaranto. Iyadood wax loo dhimayn arri-maha ku xusan qaybta shan iyo tobnaad ee bayaankan, tartame iyo alaab-keene ka-sta waxaa saran mas'uuliyadaha soo socda;

b) in aanay si toos ah iyo si dadbanba hab dhiiri galineed ugu siinin hadiyado noc kasta ahaadeene, in aanay u balanqaadin wax hadiyah ah, iyo in aanay u balanqaadin fursad shaqo ama wax kasta oo qiima lacageed ama adeegba leh iyagoo ula jeeda inay leexiyaan go'aanka shaqaalaha ama mas'uuliyiinta xafiisyada dawladda ama xafiisyada dawladda ku sasabaan inay bedelaan dhaqankoodii u loo sameeyay iibka iyo wareejinta hantida dawladdu ka maaranto.

t) In aanay keenin xog been abuur ama aanay qarin wax inay sheegaan ay ahayd iyadoo loola jeedo in lagu maja habaabiyo geedisocoka iibka dawladda ama wareejinta hantida duuga ah ee dawladdu ka maarantay,

j) In aanay xidhiidh hoose la samaysan tartame kale isagoo is leh aad heshid faa'iido xaq daro ah,

x) Inay wargeliyaan hadadaha sharci ilalinta fal kasta oo la sameeyay ama lagu tala jiro inuu sameeyo oo mu-suq-maasuq ah ee uu ogaa-do iyo inuu cawiyo da-daalka lagu dag-aalam-ayo musuq-maasuq iyo shaqo xuma-daba,

ረ/ ሰሕዝብ ሐብትና ንብረት ተቆርቋሪ መሆን፤

፪ ማንኛውም ዕጩ ተወዳዳሪ ወይም አቅራቢ የመንገስት የገዥ አፈፃፀም እና ንብረት አወጋገድን ሲያዛባ ከሚችል ከማንኛውም ተገባር ራሱን ማግለል አለበት። በዚህ አዋጅ ምዕራፍ አሥራ አምስት የተመሰከተው እንደተጠበቀ ሆኖ

ሀ/ የመንገድ መሥሪያ ቤቱን ኃሳፊ ወይም ሠራተኛ ተገባር ወይም ውሳኔ ለማዛባት ወይም ከገዥው አፈፃፀም እና ንብረት አወጋገድ ጋር በተያያዘ መ/ቤቱ ሲከተለው የሚገባውን አሠራር ለማስለወጥ በመደለያ መልክ በቀጥታ ወይም በተዘዋዋሪ መንገድ ማናቸውንም ዓይነት ስጦታ አለመስጠት ወይም ስጦታ ለመስጠት ቃል አለመግባት ወይም የሥራ ዕድል ወይም ሌላ ማናቸውንም የገንዘብ ዋጋ ያለውን ነገር ወይም አገልግሎት አለመስጠት፤

ለ/ የመንገስት ገዥ አፈፃፀምን ወይም ንብረት አወጋገድ ለማዛባት በማሰብ የሌላውን ማህበራዊ አላማቅረብ ወይም መግለጫ የነበረበትን መረጃ አለመደባበስ፤

ሐ/ ተገቢ ያልሆነ ጥቅም ለማግኘት በማሰብ ከሌላ ዕጩ ተወዳዳሪ ጋር በመመሳጠር የሌላውን ውድድር አለማድረግ፤

መ/ በስራ ሊደት ያወቃቸውን ሲፈጠሩ የታሰቡ ወይም የተፈጠሩ የሙስና ተገባራትን ሰሕገ አፈፃፀሚ አካላት የሚሳወቅ እና ሙስናን እና ብልሹ አሰራርን ለመዋጋት የሚደረገውን ጥረት የማገዝ ኃሳፊነት አለበት።

(f) demonstrate concern to public resource and property;

2. Any candidate or supplier shall have to refrain from any act contravening the process of public procurement and property disposal. Without prejudice to the provisions of Chapter Fifteen of this Proclamation, any candidate or supplier shall have the responsibility:

(a) with an intention to influence the decision or action of the head or staff member of the Public Body or persuade the Public Body to change its established practice of procurement and property disposal, not to give directly or indirectly gifts of any kind in the form of inducement, not to promise to give gifts, not to offer employment opportunity or anything of monetary value or service;

(b) with an intention to mislead a procurement proceeding not to present a falsified document or not to withhold information he/she should have disclosed;

(c) not to connive with another candidate in an act of false competition in order to get unfair advantages;

(d) to report to the law enforcement agencies any intended or completed action of corruption which he came to know during the procurement proceedings and contribute to the effort to fight corruption and malpractice;

Qod 25^{aad} Nidaamyada iibka

፳፭. የግዥ ዘዴዎች

25. Methods of Procurement

1. Si loo fuliyo iibka dawladda waxaa dhaqan galaya noocyada iibka ee halkan ku xusan:
 - b) Tartanka Furan
 - t) Codsiga Baraboosallida
 - j) Tartanka labada wareeg
 - x) Tartanka xaddidan
 - kh) Codsiga Qiima- sheegta
 - d) iibka tooska ah
2. Marka laga reebo siyaabaha bayaankani fasaxayo, xafiisyada dawladdu waa inay iibka kasta ku fuliyaan habka tartanka furan.
3. Xafiisyada dawladdu waxay hab ka duwan kan tartanka furan qaadan karaan marka shuruudaha bayaanka lagu qeexay u dhamaystirmaan oo keliya.
4. Xafiisyada dawladdu iyaga oo uga jeeda inay baal maraan hababka iibka ee ku xusan bayaankan ama awaamiirta iibkaba' ma qayb-qaybin karaan iibka qalabka, shaqooyinka ama adeegyada ee ay tahay in si midaysan mar lawada fuliyo.

- ፩. በመንግስት ግዥ አፈጻጸም የሚከተሉት የግዥ ዘዴዎች ስራ ላይ ይውላሉ፡፡
 - ሀ/ ግልፅ ጨረታ
 - ለ/ በመወዳደሪያ ሐሳብ መጠየቂያ የሚፈፀም ግዥ
 - ሐ/ በሁለት ደረጃ ጨረታ የሚፈፀም ግዥ
 - መ/ ውስን ጨረታ
 - ሠ/ በዋጋ ማቅረቢያ የሚፈፀም ግዥ
 - ረ/ ከአንድ አቅራቢ የሚፈፀም ግዥ
- ፪. በዚህ አዋጅ በተፈቀደው ሁኔታ ካልሆነ በስተቀር የመንግሥት መሥሪያ ቤቶች ማናቸውንም ገዥ በግልፅ የጨረታ ዘዴ መፈፀም አለባቸው፡፡
- ፫. የመንግሥት መሥሪያ ቤቶች ከግልፅ ጨረታ ውጪ በሌሎች የገዥ ዘዴዎች ገዥ መፈፀም የማቸባት በዚህ አዋጅ የተገለጹት ሁኔታዎች ከተሟሉ ብቻ ይሆናሉ፡፡
- ፬. በዚህ አዋጅ ወይም በገዥ መመሪያው የተዘረጉ የገዥ ሥርዓቶችን ለመሸሽ የመንግሥት መሥሪያ ቤቶች በአንድነት ሲፈፀሙ የሚጠቸውን የሰዓት የገንባታ ወይም የአገልግሎት ግዥዎች መከፈል የለባቸውም፡፡

1. The following methods shall be used in public procurement:
 - (a) Open Bidding;
 - (b) Request for Proposals;
 - (c) Two stage Tendering;
 - (d) Restricted Tendering;
 - (e) Request for Quotation;
 - (f) Direct Procurement;
2. Except as otherwise provided in this Proclamation, Public Bodies shall use open bidding as the preferred procedure of procurement.
3. Public Bodies may use a method other than open bidding only where conditions for use of such other method stipulated under this Proclamation are satisfied.
4. Public Bodies shall not split procurement requirements for a given quantity of goods, works or services with the intention of avoiding the preferred procurement procedure stated under this Proclamation or in the procurement directives.

Qod 26^{aad} Wax wada qabsiga dawladda iyo Shakhsiyaadka xorta ah

፳፮. የመንግሥትና የግል ሽርክና

26. Public Private Partnership

Madax-xafiiseedku wuxuu soo saaridoona awaamiir qeexaysa wax-wada qabsigaasi siyaabaha uu ku samaysmi karo iyo sidii loo fulin laha.

ቢሮ ኃላው የመንግሥትና የግል ሽርክና የሚመሰረትበትን ሁኔታ እና የሽርክናውን ዝርዝር እፈፃም የሚወስን መመሪያ ያወጣል፡፡

The Head of the Bureau may issue directive prescribing the rules governing the formation of Public Private Partnership and the modes of implementation of such partnership.

Qaybta Afraad
Nidaamka Iibka Furan

Qod 27^{aad} - Ogeysiiska tartanka

1. Ogeysiiska tartanka iibka isagoo ku qoran luqadda dokumantiga iibku ku qoran yihiin waa in lagu soo saaro jaraa'idka wadanka aadka looga akhristo.
2. Haddii xafiiska dawladu u arko inay muhiim tahay, shuruuda ku xusan farqadda (1) ee qodobkan ka sokow wuxu ogeysiiska tartanka iibka kaga baahin karaa Telefeeshinka iyo Raadiyaha qaranka.
3. Muddada loo ogolyahay diyaarinta tartanka kama yaraan karto tirada ugu yara ee maalmaha ku xaddidan awaamiirta iibka.

Qod 28^{aad} - Baaqqa tartanka

In uu ka koobnaado arrimaha hoos ku xusan ka sokow, Baqa tartanka diyaarintiisu waa inay salka ku hayso dokumantiga tartanka ee rasmiga ah oo ay Xafiisku (BOFED) soo samayn doonto:-

- b) Magaca iyo ciwaanka xafiiska dawladda,
- t) Faahfaahin kooban oo ku saabsan alaabta, shaqada dhismaha, iyo adeega larabo
- j) Shuruudaha iyo siyaabaha lagu helikaro dhokumentiga tartanka iyo goobta laga helayo.

ምስራቅ ስራት

የግልፅ ጨረታ ስራጸጸያ

ጸጿ. የጨረታ ማስታወቂያ

፩/. የጨረታ ማስታወቂያ የጨረታ ሰነድ በተዘጋጀበት ቋንቋ በሚታተም እና አገራዊ ሽፋን ባለው ጋዜጣ ቢያንስ አንድ ጊዜ መመጣት አለበት።

፪/. የመንግሥት መሥሪያ ቤቱ አስፈላጊ ሆኖ ሲያገኘው የጨረታ ማስታወቂያው በዚህ አንቀጽ ንዑስ አንቀጽ ፩ ከተጠቀሰው በተጨማሪ በብሔራዊ የሪዲዮ እና የቲቪ ብዥን ጣቢያ ማስታወቂያውን ሲያስነገር ይችላል።

፫/. ሰዕጩ ተወዳዳሪዎች ሰጠረታ ማቅረቢያ የሚሰጠው ጊዜ በገዥ መመሪያ ከሚወሰነው አነስተኛ የቀን ብዛት ያነሰ መሆን የለበትም።

ጸ፱. የጨረታ ጥሪ

የጨረታ ጥሪ ከሚከተሉት በተጨማሪ በቢ.ሮ.ው የሚወጣውን መደበኛ የጨረታ ሰነድ መሠረት በማድረግ መዘጋጀት አለበት።

ሀ/ የመንግሥት መሥሪያ ቤቱን ስምና አድራሻ፣

ለ/ የዕቃውን ፣ የገንባታ ሥራውን እና የአገልግሎቱን አጭር መግለጫ፣

ሐ/ የጨረታውን ሰነድ ለማግኘት መሚላት ያቀባቸውን ቅድመ-ሁኔታዎች እና የጨረታ ሰነድ የሚገኝበትን ቦታ፣

CHAPTER IV
PROCEDURE OF OPEN TENDERING

27. Advertisements

1. Invitation to bid shall be advertised in at least one time in a national news paper of general circulation which is published in the language the bidding document is prepared.
2. Where the Public Body finds it necessary, it may, in addition to the medium mentioned in sub article (1) of this article, advertise the bid on a national Radio and Television.
3. The time allowed for preparation of bids shall not be less than a minimum number of days stated in the procurement directives.

28. Invitation to Bid

Apart from containing the following particulars, the invitation to bid shall be prepared in accordance with the standard bidding document to be developed by the Bureau:

- (a) the name and address of the Public Body;
- (b) a brief description of the goods, works or services to be procured;
- (c) the means and conditions for obtaining the bidding documents and the place from which they may be obtained;

xi) Goobta lagu soo xaraynayo dhokumentiga tartanka iyo muddada ugu danbaysa ee lagu xeraynayo.

Kh) Ogeysiis la xidhiidha goobta, muddada dokumantiga tartanka la furayo iyo sidoo kale in ay tartameyaasha ama wakiiladoodu goobjoog noqoon karan wakhtiga furitanka dokumantiga tartanka.

Qad. 29^{aad} Dhokumentiyada tartanka.

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 u sahla tartameyaasha inuu dhexmaro tartan. Gaar ahan dokumantiga tartanku waa inay xusan:-

- b) Awaamiir tilmaamaysa qaabka loo diyaarin iyo nidaamka loo soo gudbinayo.
- t) Macluumaad qeexaya muddada ugu danbaysa ee la xaraynayo dhokumentiga, ciwaanka lagu xeraynayo, maalinta, meesha iyo saacada la furayo tartanka iyo sidoo kale in ay goob jog ka noqdaan xafladda furitaanka tartanka dhammaan tartameyaasha ama wakiiladoodu.
- j) Foomamka tartanka iyo haddii loo baahdo foomamka damaanada tartanka.
- x) Dhammaan nuqulada loo baahan yahay in la raaciyu nuqulka asalka ah.
- kh) shuruudaha guud iyo kuwa gaar ahaaneed ee heshiiska.
- d). qeexitaanka farsamo ee waxa loo bahanyahay iyo xaddidida waqtiga loo rabo in lasoo xareeyo alaabta ama la dhameeyistiro shqada, sida ugu haboon.

መ/ የጨረታ መወዳደሪያ ሀሳብ የሚቀርብበትን ቦታ እና የማቅረቢያውን የመጨረሻ ጊዜ፤

ሠ/ ጨረታው የሚከፈትበትን ቦታ እና ጊዜ እንዲሁም ተጨራቾች ወይም ተወካዮች ጨረታው ሲከፈት መገኘት የሚችሉ መሆኑን የሚገልፅ ማሳሰቢያ፤

ጽዕ ደጭረታ ሰነድ

በተጨራቾች መካከል የሚደረገው ውድድር በተሟላ፣ ገለልተኛና ተጨባጭ መሠረት ባለው ሁኔታ እንዲካሄድ ለማድረግ የጨረታው ሰነድ በኢጀንሲው የተዘጋጀውን መደበኛ የጨረታ ሰነድ መሠረት በማድረግ በቂ መረጃ በያዘ መልኩ የተዘጋጀ መሆን አለበት። በተለይም ሰነዱ የሚከተሉትን ሲያካትት ይገባል።

ሀ/ የመጫረቻ ሰነድ ለማዘጋጀትና ለማቅረብ አስፈላጊ የሆኑ መመሪያዎችን፤

ለ/ የመጫረቻ ሰነዱን ማስረከቢያ የመጨረሻ ቀን፣ የመጫረቻ ሰነዱ የሚላኩበትን አድራሻ፣ ጨረታው የሚከፈትበትን ቀን፣ ሰዓት እና ቦታ፣ እንዲሁም የተጨራቾች ወኪሎች በጨረታው መከፈቻ ሥነ-ሥርዓት ላይ ሲገኙ የሚችሉ መሆኑን የሚገልፅ መረጃ፤

ሐ/ የጨረታ መወዳደሪያ ሀሳብ ማቅረቢያ ቅጾች፣ እንዲሁም አገባብነት አሰጣጥ ድረስ የጨረታ ማስከበሪያ ቅጾች፤

መ/ ከዋናው የመጫረቻ ሰነድ ጋር መቅረብ ያለባቸውን ተጨማሪ ኮፒዎች፤

ሠ/ የውሱን አጠቃላይ እና ልዩ ሁኔታዎች፤

ረ/ እንደአገልግሎት ዕቃውን ለማቅረብ ወይም ሥራውን ለማጠናቀቅ ደወሰደል ተብሎ የሚገመተውን የገዛ ገደብ ጨምሮ ተፈላጊውን የዕቃና አገልግሎት ገርገር፤

(d) the place and deadline for the submission of bids; and

(e) the place and time for opening of bids, along with an announcement that bidders or their representatives are allowed to attend at the opening of bids.

29. Bidding Documents

The bidding documents shall contain sufficient information to enable competition among the bidders to take place on the basis of complete, neutral and objective terms. In particular, bidding documents must include:

- (a) instructions for the preparation and submission of bids;
- (b) information about the final date for receipt of bids, the address to which bids must be sent, the date, hour and place of opening, as well as an announcement that bidders or their representatives are allowed to attend the opening ceremony;
- (c) bid submission forms and, where applicable, forms of bid security to be provided;
- (d) the number of copies to be submitted with the original bid;
- (e) the general and special conditions of the contract;
- (f) specification of requirements, including time limit for delivery or completion of the task, as appropriate;

- r) Warbixin tilmaamaysa in tartameyaashu ay leeyihiin awood fulineed, nooca ay tahay caddeymaha ay keensadeen iyo sidoo kale sharciyadooda & awoodooda maaliyadeed.
- s) Muddada u tartanka soconaayo.
- sh) Shuruudaha qiimeeynta ee lagu ogaado cidda ku guulaysanaysa iyo shuruud kasta dhibcaha ay leedahay.
- dh) xusida in xafiiska dawladdu xaq u leeyahay in u ka noqon karo tartanka, ka hor inta ayna soo bandhigin cidda ku guulaysatay tartanka.
- c) Hagaajinta qiimaha ee laga yaabo in la sameeyo marka la fulinayo heshiiska iyo shuruudaha iyo nidaamka loo hagaajinayo karo qiimahan iibka gaar ka ah ee awaamiirta madaxafiiseedku dhigayso.

- ሰ/ ተጠቃሾች በጠየቀው ስም ሳተፍ ብቃት ያሰው መሆኑን ለማረጋገጥ ሚያቀርባቸውን መረጃዎች ዓይነት እንዲሁም የፋይናንስ አቋሙን እና ሕጋዊነቱን ለማረጋገጥ ማቅረብ ያለበትን መረጃ ፣
- ሸ/ ጠየቀው ፀንቶ የሚቆይበትን ጊዜ ፣
- ቀ/ ጠየቀውን ለመገምገም እና በጠየቀው አሸናፊ የሆነውን ለማስታወቅ የሚያገለግሉ መስፈርቶችን እና ለእያንዳንዱ መስፈርት የተሰጠውን ነጥብ ፣
- በ/ ገዢውን የሚፈፀመው የመንገድ መሥሪያ ቤት የጠየቀው አሸናፊ ይፋ ከመደረጉ በፊት በማናቸውም ጊዜ ጠየቀውን ሙሉ በሙሉ ወይም በከፊል የመሠረዝ መብት ያሰው መሆኑን ፣
- ተ/ ቢሮ ኃላፊው በሚያወጣው መመሪያ በልዩ ሁኔታ ለተፈቀዱ ግዥዎች በኮንትራት አፈፃፀም ወቅት የዋጋ ማስተካከያ ሊደረግ የሚችል ስለመሆኑ እና የዋጋ ማስተካከያው የሚደረግበትን ሁኔታ እና አፈፃፀሙን

- (g) evidence to be provided by the bidder to demonstrate its qualifications as well as its fiscal and legal standing;
- (h) the period during which the bid remains in force;
- (i) the criteria and the points given to each criterion for evaluation of bids and award of the contract;
- (j) a reservation to the effect that the Public Body may reject all bids at any time prior to the notification of award; and
- (k) the price adjustments that may be made during contract implementation and the conditions and the manner under which such price adjustments can be made to special procurements prescribed by the Head of the Bureau.

Qod 30^{aad}- Bixinta dokumentiga tartanka.

1

Dhokumentiga tartanka waa in ka qayb-galayaasha tartanka lagu gaadhsiyo qaab waafaqsan ogeysiiska tartanka isla markaana laga siiyo lacag aan ka badnayn kharashka ku baxay diyaarinta iyo gaadhsiinta.

2

Dokumantiga tartanka markii ogaysiinta la bixiyay ilaa maalinta la xidhayo maalmaha shaqada ee u dhaxeeya iyo waliba sida loogu qeexay ogaysiintaba waa in laga dhigaa sidu ku wada gaadhi lahaa tartamayaasha

፴. የጠየቀ ሰነድ ሽያጭ

፩ የጠየቀ ሰነድ የመሸጫ ዋጋ ለጠየቀው ሰነድ ዝግጅት እና ሰነዱን ለዕጩ ተወዳዳሪዎች ለማቅረብ ከወጣው ወጪ ባልበለጠ መተመን ይኖርበታል።

፪ የጠየቀ ሰነድ ጠየቀው ከወጣበት ጊዜ ጀምሮ ጠየቀው እስከሚዘጋበት ጊዜ ድረስ ባሉት የሰራ ቀናት እና በጠየቀ ማስታወቂያው በተገለፀው አኳኒን ለዕጩ ተወዳዳሪዎች እንዲደርስ መደረግ አለበት።

30. Provision of Bidding Documents

1. Bid documents shall be made available to candidates at a price not exceeding the cost of reproduction and delivery of such documents to candidates.

2. The bidding document shall be delivered to candidates on working days between the date of publication of the invitation to bid and the closing date of the bid and in the manner specified in the invitation to bid.

3 Markuu xafiiska dawladu u arko inay ku ha-boon tahay, wuxu dokum-antiga tartanka ku siini tartam-ayaasha lacag la'aan.

Qod 31^{aad}- Wax ka beddelka dhokumentiga tartanka

1. Xafiisyada dawladdu iskood ama marka ka qaybgalayaasha tartanku ka soo codsadan waxa ay wax ka bedeli nuxurka dhokumentiga tartanka iyagoo soo saaraya lifaaq, ka hor mudada loo qoondeey in lagu soo xareeyo dhokumentiga. Wax ka badelkaasina wuxu ka mid noqonayaa dokum-antiga tartanka.
2. lifaaqa wax ka beddelka dhokumentiga tartanka waa in La gaadhsiiyo ka qaybgalayaashii hore u iibsaday dhokumentiga.
3. Xafiisyada dawladdu marka ay dareemaan in loo baahan yahay in dokumantiga wax laga badelo, isla markaasina ogaadaan in aanu wakhtiga hadhay ku filayn in wax ka bedelka lagu lifaaqo dokumantiga, waxu ka qaybgalayaasha u sheegi in mudaday xidhmaysay soo gudbintu dib loo dhigay, si wax ka beddelka dhokumentiga wakhti ku filan loogu helo, laguna soo buuxiyo.

Qod 32^{aad}- Dammaanada tartanka

1. Xafiiska iibka fulinaya waxu ka qaybgalayaasha u sheegi in ay soo raaciyaan dhokumentiga tartanka warqad cadaynaysa in lacag dammaanad ah ay bangiga dhigeen. Lacagtan cadadkeedu waa inuu noqdo mid ka niyad jab ku reebaysa ka qaybgalayaasha aan xilka-ska ahayn.
2. Iyadoo sida ku xusan farqadda (1) ee qodokani sideeda ahanayso, nooca iibka dammaanadda tartanka looga baahan yahay ay yihiin iyo caddadka dammanadda tartankaba madax-xafiiseedku awaamiirta u soo saari doono ayaa lagu xaddidi doonaa.

፪ የመንግሥት መሥሪያ ቤቱ አግባብ ሆኖ ሲያገኘው የጨረታ ሰነድ በነፃ እንዲሰጥ ሊፈቅድ ይችላል።

፴፩ በጨረታ ሰነድ ላይ ስለሚደረግ ማሻሻያ

- ፩/. የመንግሥት መሥሪያ ቤቶች በራሳቸው ወይም የጨረታ ሰነድ ከገዙ ዕጩ ተወዳዳሪዎች በሚቀርቡ ጥያቄዎች መነሻ የመጫረቻ ሰነድ ማቅረቢያ ጊዜ ገደብ ከማሰፋ በፊት የጨረታ ሰነዶችን ይዘት ለማሻሻል ይችላሉ።
- ፪/. የተደረገው ማሻሻያ በፅሁፍ ተዘጋጅቶ የጨረታ ሰነዶችን ለገዙ ዕጩተወዳዳሪዎች ህሉ በተመሳሳይ ጊዜ መላክ አለበት።
- ፫/. የመንግሥት መሥሪያ ቤቱ የጨረታ ሰነዱን ይዘት ማሻሻል አስፈላጊ ሆኖ ያገኘው እና በማሻሻያው የተመለከተ ማስተካከያዎችን ለማድረግ በቂ ጊዜ የሌለ መሆኑን የተረዳ እንደሆነ ዕጩ ተወዳዳሪዎች ማሻሻያውን መሠረት አድርገው የጨረታ ሰነዱን ለማዘጋጀት በቂ ጊዜ እንዲኖራቸው ለማድረግ የገዥውን ባህርይ መሠረት በማድረግ የጨረታውን ማቅረቢያ ጊዜ ስተወሰኑ ቀናት ሊያራዝም ይችላል።

፴፪ የጨረታ ማስከበሪያ

- ፩/. የመንግሥት መሥሪያ ቤቶች በሚያዘጋጁት የጨረታ ሰነድ ተጨራቾች ከመጫረቻ ሰነዶች ጋር የጨረታ ማስከበሪያ የማቅረብ ገደታ እንዳሰባቸው መገሰፅ አለባቸው። የጨረታ ማስከበሪያው መጠን በጨረታው ኃላፊነት በተሞላው ሁኔታ የማይላተፉትን ለማስቀረት የሚያስችል መሆን ይኖርበታል።
- ፪/. በዚህ አንቀፅ ንዑስ አንቀፅ ፩ የተገለፀው ቢኖርም የጨረታ ማስከበሪያ ማስያዝ የሚያስፈልግባቸው የግዥ አይነቶች እና የጨረታ ማስከበሪያው መጠን ሚኒስትሩ በሚያወጣው መመሪያ ይወስናል።

3. Where it deems it to be appropriate the Public Body may make the bidding document available to candidates free of charge.

31. Modifications to Bidding Documents

1. At any time prior to the deadline for submission of bids, the Public Body may, on its own initiative or in response to an inquiry by a candidate having purchased the bidding documents, modify the bidding documents by issuing an addendum, which becomes an integral part of the bidding documents.
2. Any addendum shall be communicated promptly to all candidates having purchased the bid documents at the same time.
3. If the Public Body considers it necessary to amend the bidding documents and if it determines that there is no enough time to incorporate the modification, it may postpone the closing date by a number of days, depending on the procurement object, which is sufficient to enable the bidders to take the addendum into account in preparing their bids.

32. Bid Security

1. Public Bodies shall include in the bidding documents a condition that bids must be accompanied by a bid security. The amount of such bid security shall be sufficient to discourage irresponsible bidders.
2. Notwithstanding the provision of sub-article (1) of this Article, procurement in respect of which bid security is required and the amount of bid security thereof, is to be prescribed by the directive to be issued by the Head of the Bureau.

3. Muddada tartanku socodo tartamaha ka baxa tartanka ama tartamaha ku guulaysta tartanka laakiin diida inuu saxeexo. heshiiska ama ku guul daraysta inuu keeno damaanada waxqabadka waxaa lagala wareegi doonaa lacagtii uu dammiin ahaan u dhigay bangiga.

Qod 33^{aad} - Soo gudbinta iyo qabashada dhokumentiyda tartanka

1. Waxaa goobta iyo muddada ogeysiiska lagu xusay la geyn dhokumentiga tartanka oo qoraal ahaan ku diyaarsan, saxeexan, isla markaana bushqad ku xidhan.
2. Haddii uu dhokumentiga tartanka yahay mid badan oo ayna bushqadu qaadaynin xafiiska dawladdu wuxu siiin tartameyaasha jugun ama cadayn tilmaamaya maalinta iyo saacada la xareeyey dhokumentiga.
3. Iyada oo aan wax loo dhimayn arriamaha ku xusan farqadda (2) ee qodobkan, marka ay dhamaato muddadii loo cayimay soo xeraynta dokumantiga tartanka, dokumantiga la keeno lagama qabanayo.

Qod 34^{aad} - Furitaanka tartanka.

1. Xafiiska Dawladdu markay dhamaato mudadii loo xadi-day in lagu soo xareeyo, dokumentiga tartanka sida ku cad isla documentigaasi waa inuu isla markaasiba fura dokumentiyada intaan mudadu dhicin la xareeyay.
2. Waa in magaca iyo caddadka guud ee tartamuhu soo buuxiyey, qiima dhimista ay u sameeyeen, iyo waliba xafiiska dawladdu isagoo eegaya xaaladaha iibkasi wixii xog ah u isle yahay tartamayaashu siday u kala sareeyaan inay ogaadaan way u sahlaysaba kor waa inuu ugu akhriyaa lana diwaan-galiyaa. Sidoo kale, mar kasta oo ay codsadaan tartameyaashu qiimaha la diiwaan-geliyey iyo faahfaahintoodaba waa in la siiyo.
3. Iyadoon waxba loo dhimayn arriamaha ku xusan farqada (2) ee qodobkan, marka lagu soo gudbiyo badheeda tartanka ee xagga farsamada iyo xagga maaliyadda laba buqshadood, qiimaha tartanka waxaa lagu dhawaaqayaa kadib marka la dhameeyo qiimaynta (gamgama) dhinaca farsamada.

፫/. የጤረታ ማስከበሪያው ፀንቶ በሚቆይበት ጊዜ ውስጥ ተጫራች ራሱን ከውድድሩ ካገለለ ወይም አሸናፊውን ተጫራች በሚመለከት አሸናፊነቱ ከተገለጸ ፀሰት በኋላ ውሱን ስመፈረም ፈቃደኛ ሆኖ ካልተገኘ ወይም እንዲያቀርብ የተጠየቀውን የውል ማስከበሪያ ካላቀረበ የጤረታ ማስከበሪያው ውርስ ይደረጋል።

፴፫. የመጫረቻ ሰነድ ስለመገኛረብና ስለመቀበል

- ፩/ የመጫረቻ ሰነድ በፅሁፍ ተዘጋጅቶና ተፈርሞበት በታሸገ ኢንቨስፕርት ውስጥ ሆኖ በጤረታ ማስታወቂያው ከተመለከተው የጊዜ ገደብ በፊት በተገለጸው ቦታ ገቢ መደረግ አለበት።
- ፪/ የመጫረቻ ሰነድ ትልቅ በመሆኑ በጤረታ ሣጥን ውስጥ ሊቀመጥ የማይችል ከሆነ የመጫረቻ ሰነዱን የመንገዱ ስራ መሥሪያ ቤቱ የገዥ ስራ ክፍል ተረክቦ ገቢ የተደረገበትን ቀንና ሰዓት የሚያሳይ ማረጋገጫ ስእጩ ተወዳዳሪው መስጠት አለበት።
- ፫/ በዚህ አንቀጽ ንዑስ አንቀጽ ፪ የተገለጸው እንደተጠበቀ ሆኖ የመጫረቻ ሰነዱን ለማቅረቢያ ከተወሰነው ጊዜ በኋላ የቀረበ ሰነድ ተቀባይነት አይኖረውም።

፴፬. ጨረታን ስለመከፈት

- ፩/ የመንገዱ መሥሪያ ቤቱ በጤረታ ሰነድ የተመለከተው የመጫረቻ ሰነድ ማቅረቢያ የተወሰነው የጊዜ ገደብ እንደ ተጠናቀቀ ወዲያውኑ የመጫረቻ ሰነድ ከማቅረቢያ የጊዜ ገደብ በፊት የቀረቡ የመጫረቻ ሰነዶችን መክፈት አለበት።
- ፪/ የተጫራች ስም እና በአያንዳንዱ የመጫረቻ ሰነድ የቀረበው የመጫረቻ ዋጋ ፣ የተሰጠ ቅናሽ እና የመንገዱ መሥሪያ ቤቱ እንደ ግዥው ሁኔታ ተጫራች አንፃራዊ ደረጃቸውን ለማወቅ ይረዳች ዋል ብሎ የሚያምንባቸው ሲሎች መረጃዎች ከፍ ባለ ድምፅ መነበብ እና መመዘገብ እንዲሁም ተጫራች በጠየቀ ጊዜ የተመዘገበውን ዝርዝር እንዲያገኙ መደረግ አለበት።
- ፫/ በዚህ አንቀጽ ንዑስ አንቀጽ ፪ የተደነገገው ቢኖርም የተከኒ ከና የፋይናንስ መወዳደሪያ ሀሳብ በሁለት ፓስታ የቀረበ በሚሆንበት ጊዜ የመጫረቻ ዋጋው የሚነበበው የተከኒ ከ ግምገማው ከተጠናቀቀ በኋላ ይሆናል።

3. A bid security will be forfeited if a bidder withdraws his bid with the validity period there or in the case of successful bidder, if the bidder repudiates the contract or fails to furnish performance security, if required.

33. Submission and Receipt of Bids

1. Bids shall be submitted in writing, signed and in sealed envelope, to the place and before the deadline stated in the invitation to bid.
2. The Public Body shall give a receipt to the bidder indicating the time and date on which the bid document was submitted, where becomes impossible to put the bid document in a box due to its large size.
3. Without prejudice to the provisions of sub article (2) of this Article, a bid document received after the deadline for submission shall be returned unopened to the bidder.

34. Opening of Bids

1. At the time stipulated in the bidding document for opening of bids, which should follow immediately after the deadline for submission of bids, the Public Body shall open all bids received before the deadline.
2. The name of the bidder and the total amount of each bid, discounts offered and any such information as the Public Body deems necessary to let the bidders know their relative rank shall be read out aloud and recorded and a copy of the record shall be made available to any bidder on request.
3. Notwithstanding the provisions of sub -article (2) of this Article, the envelope containing the price offered by the bidder shall be read after the evaluation of the technical proposal where technical and financial proposals are submitted in two separate envelopes.

Qod 35^{aad} - Baadhista iyo qiimeynta dhokumentiyada tartanka.

1. Markasta oo loo arko in ay baadhista iyo qiimeynta tartanka ay ka caawinayso, xafiiska dawladda ee iibka fulinayaa wuxuu tartam-eyaasha ugu baaqi karaa dhokumentiga wax ka bedel aasaasiya ah lagu sameeyo sida qiimaha oo kale iwm.
2. Iyadoo ay jiraan arrimaha ku cad farqada 1^{aad} ee qodobkani, xafiiska dawladda ee iibka fulinayaa waxu sixi karaa khala-daadka tiro ee uu ku helo muddada baadhista dhokumentiyada tartanka xafiiska dawladda ee iibka fulinayaa waa in u si deg-deg ah sixi-taanka noocan la socodsi-isa tartamaha.
3. Iyadoo la dhawrayo arri-maha ku cad farqada 4aad ee qodobkan, xafiiska daw-ladda ee iibka fulinaya waxu in tartanka la soo dha-maystiray u qaadan karaa si uu guda-galo marka u xaqi-ijiyo in arrimaha ku qeexan dukumentiga tartanka la soo buuxiyey.
4. Marka ay jiraan khaladaad yaryar oo iyadoon waxba loo dhimin nuxurka aasaas-iga ah ee dukumentiga tarta-nka waxaa la sixi karaa iyadoo ka duwan qoddobada calaamada, weedhaha heshiiska, xaaladaha iyo arri-maha kale ee lagu xusay dukumentiga tartan-ka xafiiska iibka fulinaya waxu u qaadanayaa in tarta-nka la soo dhamaystiray waafaq la'aanta illaa xadka suurto-galka ah iyadoo loo dul-qaadanayo ayaa wakht-iga qiimeynta iyo tartans-iinta lagu xisaabtamayaa.
5. Xafiis kasto oo iibka ful-inayaa ma bixin karo tartan-nada aan waafaqsanayn ar-rimaha hoos ku qeexan:-

ሻ፯፡ የመጫረቻ ሰነዶችን ስለመመርመር እና ስለመገምገም

- ፩. ጨረታውን ለመመርመርና ገምገማውን ለማክናወን የሚረዳ ሆኖ ሲገኝ፣ የመንግሥት መሥሪያ ቤቱ ተጫራች ገቢዎች የመጫረቻ ሰነድ ላይ ማብራሪያ እንዲሰጡ ሲጠይቅ ይችላል። ሆኖም የዋጋ ስውጥን ጨምሮ የመጫረቻ ሰነድ ላይ መሠረታዊ ስውጥ የሚያስከትል ሀሳብ ማቅረብ ወይም መፍቀድ አይቻልም።
- ፪. በዚህ አንቀጽ ንዑስ አንቀጽ ፩ የተመለከተው ቢኖርም የመንግሥት መሥሪያ ቤቱ በጨረታ ምርመራው ወቅት የተገኙ የሂሳብ ስህተቶችን ለማረም ይችላል ። የመንግሥት መሥሪያ ቤቱ እነዚህን ማስተካከያዎች የመጫረቻ ሰነዱን ላቀረበው ተጫራች በስፋጣኝ መገለጫ አስበት።
- ፫. በዚህ አንቀጽ ንዑስ አንቀጽ ፬ የተመለከተው እንደተጠበቀ ሆኖ፣ የመንግሥት መሥሪያ ቤቱ ጨረታው የተሟላ ነው ብሎ ሲቀጥል የሚችለው በጨረታው ሰነድ የተመለከተውን ተፈላጊ ሁኔታዎች ሙሉ በሙሉ የሚያሟላ ሆኖ ሲያገኘው ነው።
- ፬. በጨረታው ሰነድ ከተዘረዘሩት ባህሪዎች፣ የውል ቃላት፣ ሁኔታዎች እና ሌሎችም ተፈላጊ ነጥቦች ጋር በተወሰነ ደረጃ ልዩነት ቢኖረውም መሠረታዊ የሆነ ስውጥ እና ልዩነት እስኪሰጡ ድረስ ወይም የጨረታው ቀምነገር ሳይሰወጥ ሲታረም የሚችል ጥቃቅን ስህተት ወይም ገደብ ቢኖረውም የመንግሥት መሥሪያ ቤቱ ጨረታውን እንደተሟላ አድርጎ ሲቀበል ይችላል። ማናቸውም ልዩነት እስከተቻለ ድረስ በአህዝብ ተገልጫ በጨረታ ገምገማ እና ውድድር ወቅት ከገምት ውስጥ መገባት አስበት።
- ፭. ማናቸውም የመንግሥት መሥሪያ ቤት ከዚህ በታች የተዘረዘሩትን የማያሟሉ ተጫራችንን አሸናፊ አድርጎ መምረጥ የለበትም።

35. Examination and Evaluation of Bids

1. The Public Body may ask bidders for clarification of their bids in order to assist in the examination and evaluation of bids; however, no change in the substance of the bid, including changes in price, shall be sought, offered or permitted.
2. Notwithstanding sub-article (1) of this Article, the Public Body shall correct arithmetical errors that are discovered during the examination of bids. The Public Body shall give prompt notice of any such correction to the bidder that submitted the bid.
3. Without prejudice to sub-article (4) of this Article, the Public Body may regard a bid as responsive only if it conforms to salient requirements set forth in the bidding documents.
4. The Public Body may regard a bid as responsive even if it contains minor deviations that do not materially alter or depart from the characteristics, terms, conditions and other requirement set forth in bidding documents or if it contains errors or oversights that are capable of being corrected without touching on the substance of the bid. Any such deviations shall be quantified, to the extent possible, and appropriately taken account of in the evaluation and comparison of bids.
5. Any Public Body shall not award a contract when:

b) Marka tartamuhu buuxin Karin shuruudaha ku xusan qodobka 28(1) ee bayaa-nkan.

t) Marka tartamuhu uu ka baaqsado (diido) sixitaanka tiro ee hab waafaqsan farqada 2^{aad} ee qodobkani lagu sameeyey.

j) Marka dumantiga tartamuhu aanay buuxinayn shuruudaha ku qoran dokumantiga tartanka.

6. Iyadda arrimaha ku cad farqadda (8) ee qodobkan aan waxba loo dhimayn, Xafiiska dawladdu si uu uxusho tartamaha ku guulaystay waa in ay dukumentiyada tartanka ee buuxiyey arrimaha looga baahnaa ee qiimaynta ku tartansiiyaa hanaanka ku cad dukumentiga tartanka iyo shuruudaha qiimeynta. Dokumantiga aan buuxin shuruudaha tartanku wax ka soo qaad malaha.

7. Tartame walba sida ku xusan dokumantiga tartanka si ka baxsan, si uu ka guulaystay in noqdo in qiimihii uu ku soo tartamay badalo ama u hagaajiyoo badheedhihiisa tartanka ama si tan loogu yeelo in lama waydiin karo ama laguma qasbi karo inuu ballan qaad sameeyo.

8. Tartanka waxaa ku guulaysanaya;

b) Tartamaha inuu shuruudaha farsamo buuxiyey lagu xaqiijiyey qiimeynta tartanka, isla markaana ugu qiima hooseeya ama

t) Marka xafiiska iibka fulinaaya dukumentiga tartanka ku xuso shuruuda lagu dooranayo cidda ku guulaysanaysa, cidda qiimeynta qiyaasta xaalada maaliyadeed ee tartanka ugu qiimo hoosaysa, hase ahaatee shuruudaha waa in ay ku fadhayaan xaqiiqada dhabta ah ee lacag ahaan lagu tilmaami karo, isla markaana wakhtiga qiimeynta tixgelin dadban la siin karo.

j) Sida lagu xaddiday Madax-xafiiseed ku awaamiirta iibka ee u soo saari doono ayadoo la raacayo, farqadda (8) xarafka (b) ama (t) ee qodobkan tartamaha lagu doortay sharciyaddisa, awoodiisa maaliyadeed, iyo tan farsamoba marka la xaqiijiyoo inay waafaqsan yihiin sida dokumantiga tartanka ku qoran.

U/ ተጫራች በአንቀጽ ፳፰ (፩) የተጠቀሱትን መስፈርቶች ማሟላት የማይችል ሆኖ ሲገኝ፤

ለ/ ተጫራች በዚህ አንቀጽ ንዑስ አንቀጽ ፪ መሠረት የተደረገውን የሒሳብ ማስተካከያ የማይቀበል ሆኖ ሲገኝ፤

ሐ/ የቀረበው የመጫረቻ ሰነድ በጫረታ ሰነዱ የተመለከቱትን ሁኔታዎች የማያሟላ ሆኖ ሲገኝ፤

፮. የመንግሥት መሥሪያ ቤቱ በዚህ አንቀጽ ንዑስ አንቀጽ ፳ በተደገገው መሠረት አሸናፊውን ተጫራች ለመምረጥ በጫረታ ሰነዱ በተመለከተው የግምገማ መስፈርት መሠረት ተፈላጊውን የሚሰጥ የመጫረቻ ሰነዶችን መገምገምና ማወዳደር አለበት። በጫረታ ሰነድ ያልተመለከተ የማወዳደሪያ መስፈርት በጥቅም ላይ ሲውል አይችልም።

፯. ማናቸውም ተጫራች በመጫረቻ ሰነዱ ከተመለከተው ውጫ በጨረታው አሸናፊ ለመሆን ያቀረበውን የመጫረቻ ዋጋ እንዲለውጥ ወይም ያቀረበውን የመወዳደሪያ ሐሳብ እንዲያሻሽል ወይም ይህንን ለመፈፀም ግዴታ እንዲገባ ሊጠየቅ ወይም ሊገደድ አይችልም።

፰. በጫረታ አሸናፊ ሆኖ የሚመረጠው፤

U/ በጫረታ ገምገማ የቴክኒክ መመዘኛዎችን ማሟላት የተፈገጠ እና አስተኛ ዋጋ ያቀረበ ተጫራች፤ ወይም

ለ/ የመንግሥት መሥሪያ ቤቱ በጫረታው ሰነድ ውስጥ አሸናፊው ተጫራች የሚመረጥበትን መስፈርት የገለጸ ከሆነ፤ በጫረታ ሰነዱ የሠፈረውን የጫረታውን አካላዊ የሚወሰነውን መስፈርት መሠረት በማድረግ በሚካሄድ ገምገማ የተሻለ ኢኮኖሚያዊ ጠቀሜታ ያሰጠው የጫረታ ሐሳብ ያቀረበው ተጫራች አሸናፊ ይሆናል። ሆኖም መስፈርቱ በተጨማሪ ሁኔታ ላይ የተመሠረተ፤ በአጋዝ ሲገለጽ የሚችል ሆኖ በገምገማው ሂደት አንፃራዊ ክብደት የሚሰጠው እና አስከተቻል ደረሰ በገንዘብ የሚገለጽ መሆን አለበት።

ሐ/ ቢር ጋላፋው በሚያወጣው ዝርዝር መመሪያ በሚወሰነው መስረት በዚህ አንቀጽ ንዑስ አንቀጽ ፳ በፈደል (ሀ) ወይም (ለ) መሰረት የተመረጠው ተጫራች ህጋዊነት፣ የፋይናንስ እና የቴክኒክ አቅም በመጫረቻ ሰነዱ ላይ በተቀመጠው መሰረት መሆኑን በድህረ ገምገማ ሲረጋገጥ፤

(a) the bidder has failed to demonstrate, in the manner provided in Article 28(1) of this Proclamation, that it is qualified;

(b) the bidder does not accept a correction of an arithmetical error made pursuant to sub-article (2) of this Article;

(c) the bid is not responsive.

6. In the process of selecting the successful bidder, the Public Body shall only consider substantially responsive bids for further evaluation and comparison, as defined in sub-article (8) of this Article in accordance with the criteria set forth in the bidding documents. No criterion shall be used that has not been set forth in the bidding documents.

7. No bidder may be required to change the price offered in his bid or otherwise modify his proposal or to assume obligation to do so except as set forth in the bidding document.

8. The successful bid shall be:

(a) the bid that is found to be responsive to the technical requirements and with the lowest evaluated price; or

(b) if the Public Body has so stipulated in the bidding documents, the bid offering better economic advantage ascertained on the basis of factors affecting the economic value of the bid which have been specified in the bidding documents, which factors shall, to the extent practicable, be objective and quantifiable, and shall be given a relative weight in the evaluation procedure or be expressed in monetary terms wherever practicable.

(c) where it is ascertained in post evaluation of bids that the legal, financial and technical standing of the candidate selected as the successful bidder in accordance with paragraph (a) or (b) of this sub article conforms to the requirements stated in the bidding document, shall be prescribed pursuant to the detailed directive to be issued by the Head of the Bureau.

9) Xafiiska iibka fulinaaya waa inuu diyaariyo warbixin kooban oo tilmaamaysa natiijada baadhitaanka iyo qiimeynta.

፱. የመንግሥት መሥሪያ ቤቱ የገምገማውን ውጤት በአጥሩ የሚገልፅ የገምገማ ሪፖርት ማዘጋጀት አለበት።

9. The Public Body shall prepare an evaluation report, containing a summary of the examination and evaluation of bids.

Qod 36^{aad}-Qarista sirta gedi-socodka.

፴፮. በሚስጥር ስለሚያዙ አሠራሮች

36. Process to be Confidential

Laga bilaabo marka furitaanka tartanka illaa baadhista tartanka, faahfaahinta qiimeynta iyo go'aanka cidi guulaysta tartanka arrimaha oo dhan looma sheegi karo cid ayna shaqo ahaan u khuseeyn ilaa lagu dhawaaqayo cidida ku guulaysatay.

ጨረታው ከተከፈተበት ጊዜ አንስቶ ከጨረታ ምርመራ፣ ከማብራሪያ፣ ከገምገማ እና አሸናፊውን ተጫራች በሚመለከት ከቀረበው የውሳኔ ሀሳብ ጋር የተያያዙ መረጃዎች በሚሰጡበት መጠበቅ ያለባቸው ሲሆን፣ አሸናፊው ተጫራች አስከሚ ገለጻ ድረስ ስተጫራች ወይም ከሥራው ሂደት ጋር ገንኝት ስሌሳ ችው ሰዎች መገለጻ የለባቸውም።

After the opening of bids, information relating to the examination, clarification, and evaluation of bids and recommendations for award must not be disclosed to bidders or other persons not officially concerned with this process until the award of the contract is announced.

Qod 37^{aad} Arrimaha ay tahay in laga xaajoodo tartamaha guulaystay

፴፯. ከአሸናፊ ተጫራች ጋር ድርድር ስለሚደረግባቸው ጉዳዮች

37. Matters subject for Negotiation with the Successful bidder

1. xafiiska dawladda ee iibka lihi wuxu tartamaha ku guulaystay tartanka kala hadli kara arrimaha la xidhiidha fulinta heshiiska ee aan hore loogu xusin dokumantiga tartanka iibka

፩/ የመንግሥት መሥሪያ ቤቱ ከአሸናፊው ተጫራች ጋር የጨረታ ሰነድ ላይ ባልተጠቀሱ የውል አፈፃፀም ጉዳዮች ላይ ድርድር ሲደረግ ይችላል።

1. The Public Body may negotiate with the successful bidder on matters of contract performance not dealt within the bidding document.

2. Marka laga reebo iibka alab-keene kaliya tooska looga gato, sida uu dhigayo qodobka (50) ee bayaankan, xafiiska dawladda ee iibka lihi tartamaha ku guulaystay tartanka qiimihii uu soo dhaweeyay iyo waliba arrimo la xidhiidha qiimaha toona kalama xaajoon karo.

፪/ በአንቀፅ ፶ ላይ በተጠቀሰው መሰረት ከአንድ አቅራቢ በቀጥታ ለሚፈጸም ገዢ ካልሆነ በስተቀር አሸናፊው ተጫራች ባቀረበው ዋጋ እና ከዋጋ ጋር ገንኝት ባላቸው ጉዳዮች ላይ የመንግሥት መሥሪያ ቤቱ ከአሸናፊው ተጫራች ጋር ድርድር ማድረግ አይችልም።

2. Except in a single source procurement provided for in Article (50) of this Proclamation the Public Body cannot negotiate on the price offered by the successful bidder and on other issues related to price.

Qod 38^{aad}- Ku dhawaaqida wargalinta guusha tartanka iyo saxaexida heshiiska

፴፰. አሸናፊነትን ስለመግለጻና ውል ስለመፈራረም

38. Notification of Award and Signing of Contract

1. Xafiiska iibka fulinaya waa in ay wargaliiyaan tartamaha ku guulaystay tartanka ka hor inta anay dhammaanin muddadii loogu talo-galay wargalinta guusha waxaa kale oo ay qeexi wakhtiga heshiiska la galayo sidoo kale, tartameyaasha ku guuldaraystay sababta guuldaraad iyo magaca cidida ku guulaysatay tartanka waa in la wargeliyaa.

፩/ የመንግሥት መሥሪያ ቤቶች ከተጫራቹ የቀረበው የመጨረሻ ሰነድ ፀንቶ የሚቆይበት ቀን ከማለፍ በፊት በጨረታው አሸናፊ ለሆነው ተጫራች አሸናፊነቱን መገለጻ አለባቸው። የአሸናፊነት መግለጫ ማስታወቂያው ውሳኔ የሚፈረምበትን ቀን የሚገልጽ ይሆናል። በጨረታው ተሸናፊ ለሆኑ ተጫራችም የአሸናፊውን ስም እና የተሸነፉበትን ምክንያት የሚገልጽ ማስታወቂያ በደብዳቤ ሲደርሳቸው ይገባል።

1. Prior to the expiry of the period of bid validity, the Public Body shall notify the successful bidder that its bid has been accepted. The notification of award shall specify the time within which the contract must be signed. The unsuccessful bidders shall also be informed who the successful bidder is and why they have lost the bid.

2. Xafiiska dawladda ee iibka leh iyo alaab-keenaha heshiiska gaadheen waxaa la odhan kara marka labada dhinac ay kala saxiixdaan dokum-antiga heshiis ay ku wada qanacsanyihiin oo qeexaya dhamaan qodobada lagu heshiiyay.

3. Xafiiska dawladda ee iibka lihi inuu wuxu heshiiska iibka saxiixi karaa marka tartam-ayaashii laga guulaystay uu gaadho ogaysiiska sheegaya in laga guulaystay kadib iyo waliba madax-xafiiseedku awaamiirta iibka ee uu soo sari doono mudada ku xaddidan markay dhamaato.

4. Xafiiska dawladda ee iibka lihi dariiqu u raacayao heshiiska maamulidiisa waxaa lagu qeexayaa madax-xafiiseedku awaamiirta iibka ee uu soo sari doono.

፪/. በመንግሥት መሥሪያ ቤቱ እና በአቅራቢው መካከል ውል ተመስርቷል የሚባለው በሁለቱ ተዋዋይ ወገኖች ስምምነት የተደረሰባቸውን ጉዳዮች በሙሉ የሚይዘው የውል ሰነድ ሲፈረም ይሆናል።

፫/ የመንግሥት መሥሪያ ቤቱ ለተሸናፊዎች ተጫራቾች ተሸናፊነታቸውን የሚገልጸው ማስታወቂያ ከመደረሱ እና ሚኒስትሩ በሚያወጣው መመሪያ ላይ የተመሰከተው የጊዜ ገደብ ከማሰፊያ በፊት የገኘውን ውል መፈረም የለበትም።

፬/ የመንግሥት መሥሪያ ቤቱ የውል አስተዳደርን በሚመለከት ሊከተል የሚገባው አሠራር ሚኒስትሩ በሚያወጣው መመሪያ ይወሰናል።

2. The existence of a contract shall be confirmed through the signature of a contract document incorporating all agreements between the parties.

3. The contract shall not be signed by the Public Body prior to the receipt of the notice by the unsuccessful bidder and before the period specified in the directive to be issued by the Head of the Bureau has lapsed.

4. The procedures that the Public Body has to follow in administering the contract shall be prescribed by a directive to be issued by the Head of the Bureau.

Qod 39^{aad}- Dammaanada waxqabadka

Qandaraaslaha tartanka ku guulaystay kadib marka heshiiska iibka lala galo, waxaa waajib ku ah inuu hay'adda heshiiska la gashay u keeno dammaanad u dhiganta ama qayb ka ah hantida uu heshiiska kula galay, isla markaana si ay hay'adda qandaraaska bixisay ugu noqoto dammaanad haddii heshiiska sidiisa loo fulin waayo, nooca iyo qiimaha dammaanada waxaa lagu qeexayaa madax-xafiiseedku awaamiirta iibka ee uu soo sari doono.

፴፱ የውል ማስከበሪያ

አቅራቢው በውሉ መሠረት ባለመፈጸሙ በመንግሥት መሥሪያ ቤቱ ላይ ለሚደርሰው ጉዳት ማካካሻ የሚውል የውል ማስከበሪያ ሰባለበጀት መ/ቤቱ መስጠት አለበት። የውል ማስከበሪያ የሚጠየቅባቸው የገዢ ዓይነቶች ፣ የውል ማስከበሪያው ዓይነትና መጠን ቢሮ ኃላፊው በሚያወጣው መመሪያ ይወሰናል።

39. Contract Security

A supplier shall provide the Public Body with a contract security to make good any damage the Public Body may sustain as a result of default by the supplier under the contract. The type of procurement for which contract security is required and the type and amount of contract security shall be determined by a directive to be issued by the Head of the Bureau.

Qod 40^{aad} Lacagta horumariska ah

1. Xaddiga iyo fulinta horumariska lacageed ee iibka dawladda ee la siinayo alaab-keenaha waxaa qeex-aya awaamiirta iibka ee Madax-xafiiseedku soo saari doono.
2. Horumariska lacageed waxaa la bixin karaa marka alaab-keenuhu xaddiga lacageed ee uu horumariska u qaadanayo dammaanad le'eg uu keeno oo kaliya.

Qaybta Shanaad
libka xaddidan

Qod 41^{aad}- Shuruudaha Isticmaalka nidaamka tartanka xadidan.

.Xafiisyada dawladdu waxay nidaamka tartanka xaddidan isticmaali karaan marka xaaladaha soo socdaa ay u dhamaystiran yihiin:-

1. Marka qalabyada, shaqooyinka iyo adeegyadaba laga heli karo alaab-keenayaal xaddidan oo keliya.
2. Marka xaddiga iibku aanu ka badnayn xaddiga lacageed ee lagu jaan gooyay awaamiirta iibka ee madax-xafiiseedku soo saari doono.
3. Iyadoo la raacayo awaamiirta iibka ee madax-xafiiseedku soo saari doono, marka dhawr jeer lagu cel-eliyo ogaysiiska tartanka iibka ee tartamayaal ka qayb qaata la waayo

የቅድሚያ ክፍያ

፩. በመንግሥት ገዥ ስፈፃፀም ስክቅራቢው የሚሰጠው የቅድሚያ ክፍያ መጠን እና አፈፃፀም ቢር ኃሳፊው በሚወጣ መመሪያ መሰረት ተፈፃሚ ይሆናል።

፪ የቅድሚያ ክፍያ ሲፈፀም የሚችሉው ስክቅራቢው በቅድሚያ ክፍያ መልክ ከሚወሰደው ገንዘብ መጠን ጋር አኩሪ የሆነ ዋስትና ሲያቀርብ ይሆናል።

ምዕራፍ ስምስት
ውስን ጨረታ

የውስን ጨረታ ለመጠቀም መግለጫ ያለባቸው ሁኔታዎች

የመንግሥት መሥሪያ ቤቶች በውስን ጨረታ ገዥ መፈፀም የሚችሉት የሚከተሉት ሁኔታዎች ሲሟሉ ብቻ ነው።

፩/ ዕቃው፣ የገንባታ ዘርፍ ሥራው ወይም አገልግሎት ከተወሰኑ ስክቅራቢዎች ብቻ የሚገኝ መሆኑ ሲረጋገጥ፣ ወይም

፪/ የግዥው መጠን ቢር ኃሳፊው በሚያወጣው መመሪያ ከተቀመጠው የገንዘብ መጠን ያልበለጠ ሲሆን፣

፫/ ዝርዝር አፈፃፀሙ በመመሪያ የሚገለፅ ሆኖ በተደጋጋሚ ጨረታ ወጥቶ ተወዳዳሪ ያልተገኘ ሲሆን፣

Qod 42^{aad}- Nidaamka tartanka xadidan

Tartanka xadidan isagoo ah mid la mid ah tartanka xorta ah, ayuu tartanka xaddidan leeyahay nidaamyadan gaarka ah ee hoos ku xusan:-

የውስን ጨረታ ስፈፃፀም

የውስን ጨረታ ሥርዓቶች ከገልፅ ጨረታ ጋር ተመሳሳይ ሲሆኑ፣ የውስን ጨረታ የሚከተሉትን ስዌ ስህራሮች ይከተላል።

40. Advance payment

1. The amount of advance payment that may be allowed to suppliers in public procurement and the manner in which it is made available shall be determined by the directive to be issued by the Head of the Bureau.
2. Advance payment may be effected only where a supplier furnishes advance payment guarantee in an amount equal to the advance payment.

CHAPTER V
RESTRICTED TENDERING

41. Conditions for use of Restricted Tendering

Public Bodies may use restricted tendering as a method of procurement only where the following conditions are satisfied:

1. if it is ascertained that the required object of procurement is available only with limited suppliers;
2. the cost of procurement does not exceed the threshold specified in respect of restricted tendering in the directive to be issued by the Head of the Bureau, or
3. where a repeated advertisement of the invitation to bid fails to attract bidders in respect of a procurement subject to the directive to be issued by the Head of the Bureau.

42. Procedure for Restricted Tendering

Restricted tendering procedures are the same as those applied in open tendering, except:

1. sida uu dhigayoo farqadda (1) ee qodobka (41) haddi alaabta, shaqada dhismaha, ama adeega loo baahan yahay laga helayo alaab-keenayaal xaddidan oo kaliya, wicidda/lasacodsii- nka tartanka waa in loo diraa alaab-keenayashi xa- ddidnaa oo dhan.
2. marka tartanka xaddidan loo raacayo sababaha ku xusan farqadaha (2) iyo (3) ee qodobka (41), ogaysiiska/ wicidda tartanka waa in loo diraa, hadba sida loo kar- ayo, ayadoo la raacayo si- da hoos ku qoran:
 - b) xulashada waa inay ahaato mid kuwa deg- aanka u diiwaan-gash- an siinaysa fursad ca- ddaaliya oo ay u siman yihiin.
 - t) Iyadoo loo baahan yahay in la xaqiijiyo xaddiga wicidda/yeedhidda art- anka loo dirayaa inay tahay mid ka dhigi karta tartan midho dhal ah, hadana si loo karaba tirada tartama- yaashu waa in aanay shan (5) ka hoos marin.
3. Muddada loo cayimay diya- arinta dukumentiga tartanku ma noqon karo mid ka yar muddada ugu yar ee lagu cayimay awaamiirta iibka. Hase yeeshee, tartamayaa- sha tartanka loogu yeedhay haddii ay dhamaantood mu- ddata tartanku xidhmayo ka hor soo xareeyaan dokuma- ntiyadooda, xafiiska dawla- dda ee iibka lihi inta u ogaysiin u wada diro ayuu muddadii furitaanka u qon- daysnayd ee dokumantiga tartanka ku qorayd ka oo aan gaadhin furi karaa.
4. Haddi tartanka xaddidan fulintiisu waafaqsan tahay sababta ku xusan farqadda (1) ee qodobka (41), Xafii- ska dawladda ee iibka fulin- aya wuxu go'aan ka gaadhi in dammaanada tartanka loo baahan yahay iyo in kale.

- ፩. በአንቀጽ ፵፩(፩) መሠረት ዕቃው፣ የገንባታ ዘርፍ ሥራው፣ የምክር ወይም ተፈላጊው ሲላ ስገልገሎት የሚገኘው ከተወሰኑ ስቅራቢዎች ብቻ ሲሆን የጨረታው ፕሪ ሰነዲሁ ስቅራቢዎች በሙሉ ይላካል ።
- ፪. የውስን ጨረታው የሚካሄደው በአንቀጽ ፵፩(፪) ወይም (፫) ላይ በተጠቀሰው ምክንያት ከሆነ የጨረታ ፕሪው አስከተቻሰ ድረስ በስቅራቢዎች ዝርዝር ውስጥ ከተመዘገቡት ስቅራቢዎች መካከል የሚከተለውን መሠረት በማድረግ ይፈጸማል ።
 - ሀ/ ስመራረጡ በስቅራቢዎች ዝርዝር ውስጥ ለተመዘገቡት ፍትሐዊ የሆነ ዕድል የሚያስገኝ መሆን ይኖርበታል ።
 - ለ/ ፕሪ የሚደረግላቸው ዕጩ ተወዳዳሪዎች ብዛት ውጤታማ ውድድር አንዲኖር ለማድረግ የሚያስችል መሆኑ መረጋገጥ ያለበት ሲሆን፣ አስከተቻሰ ድረስ የተወዳዳሪዎች ቁጥር ከ ፭ ማነስ የለበትም።
 - ፫. ለመጫረቻ ሰነድ ዝግጅት የሚፈቀደው ጊዜ ለዚህ የገዢ ዘዴ በገዢ መመሪያው ከተወሰነው አነስተኛው የቀን ብዛት ያነሰ ሲሆን አይኛልም። ሆኖም ለጨረታው ፕሪ የተደረገላቸው ተጫራቾች በሙሉ የመጫረቻ ሰነዳቸውን ከጨረታው መዝገያ ቀን በፊት ካስገቡ የመንገሥት መሥሪያ ቤቱ ለተጫራቾች በቂ የቅድሚያ ማስታወቂያ በመስጠት ጨረታውን በጨረታ ማስታወቂያው ላይ ከተቀመጠው ቀን አስቀድሞ ሲከፍት ይችላል።
 - ፬. የመንገሥት መሥሪያ ቤቱ በውስን ጨረታ ግዢ የሚፈጸመው በዚህ አዋጅ አንቀጽ ፵፩ (፩) ላይ በተገለጸው ምክንያት ሲሆን የጨረታ ማስከበሪያ ማቅረብ የሚያስፈልግ መሆን ያስመሆኑን ይወስናል።

1. where the object of pro- curement is available only with limited suppliers in accordance with Article 41(1) of this Proclamation the invitation to bid shall be sent to all such suppliers.
2. if restricted tendering is used for the reason stated in Article 41 sub-articles(2) or (3), of this Proclamation, the invitation to bid shall as far as possible be sent to limited suppliers choser from among those registered in the suppliers list on the basis of the following consideration:
 - (a) any selection shall allow opportunities for suppliers on the list;
 - (b) The number of suppliers to whom the invitation to bid is sent shall be such that it is sufficient to ensure effective competition and shall not as far as possible be less than five competitors.
3. the time allowed for preparation of bids shall no be less than the minimum number of days stated in the procurement directive for this method of procurement. However, if all supplier invited to participate in the bid have submitted their bid before the closing date, the Public Body may open the bid ahead of schedule by giving bidders prior notice.
4. if the Public Body use restricted tendering for the reason stated on Article 41(1) of this Proclamation, it shall determine whether it is necessary to require the candidates to submit bid security.

Qaybta Lixaad
Iibka Tooska ah.

Qod 43^{aad} - Shuruudaha iibka toos ah

1. Xafiisyada dawladda ee iibka lihi alaab-keene kaliya Waxay iib ka fulin karaan marka shuruudahan hoos ku qorani u dhaystiran yihiin oo kaliya;
 - b) Marka la xaqiijiyo in qalabyada, shaqooyinka ama adeegyada laga heli karo hal tartame oo kaliya oo sidaasi darteed aan tartan loo qaban karayn.
 - t) Marka Alaabta ama qalabka dayactir oo dheeraad ah ama adeeg dheeraad ah loo baahdo in alaab-keenihi hore laga gatto; ama la ogaado in haddii iibka laga fuliyo alaab-keene kale in qalab-dayactirka ama adeeguba aanay qalabka ama adeega xafiiskan dawladda ee iibka lihi leeyahay la mid ahayn ee loo baahdo in qalabka dayactirka ama qalabka waxku xidhmayaan ama adeegyadaba in laga gatto alaabkeenihi hore;
 - j) Xaddeynta ku cad awaamiirta iibka iyada oo sideeda loo dhawrayo, xaalado aan la filayn oo soo baxay awgood haddii waxyaabo aan ku jirin heshiiskii hore shaqada dhinaca dhismaha oo loo arko in loo baahan yahay fulinta hawlahaasi dheeraadka ah 'oo arrin farsamo ama sababa dhaqaale awgood aan shaqooyinkan dhismaha dheeriga ah heshiiskii hore inta gaar looga saaro in la qabto suurto- gal ahayn;
- X) Xaddeynta lagu qeexayo awaamiirta iibka iyada oo sideeda loo dhawrayo, marka xusho tartamaha guulaystay kadib heshiis lala galay oo shaqooyinkii ama keeniista alaabtii iibkii hore oo kale sidii dib loogu qaban laha ama loogu keeni laha in heshiis la saxiixo loo baahdo;

ምስራቅ ስድስት
ከስንድ አቅራቢ የሚፈፀም ግዢ
 ሳይኒ ስስንድ አቅራቢ ግዢ
ሰመፊፀም መግላት ያለባቸው
ሁኔታዎች

- ፩. የመንግሥት መሥሪያ ቤቶች ከስንድ አቅራቢ ገዢ መፈፀም የሚችሉት የሚከተሉት ሁኔታዎች ሲሟሉ ብቻ ነው።
 - ሀ/ ዕቃው ፣ የገንባታ ዘርፍ ሥራው ፣ የምክር ወይም ተፈላጊው ሌላ አገልግሎት የሚገኘው ከስንድ ዕጩ ተወዳዳሪ ብቻ በመሆኑ ምክንያት ማወዳደር የማይቻል መሆኑ ሲረጋገጥ፣
 - ለ/ ሰዕቃዎች ፣ ወይም ለተገጣሚዎች ተጨማሪ መለዋወጫ ዕቃዎችን ወይም ተጨማሪ አገልግሎቶችን ከመጀመሪያው አቅራቢ መገዛት ሲፈለግ ፣ ወይም ከሌላ አቅራቢ ገዢው ቢፈፀም የሚገዛው ተገጣሚ መሣሪያ ወይም አገልግሎት የመንግሥት መሥሪያ ቤቱ ከሚጠቀምበት መሣሪያ ወይም አገልግሎት ጋር የማይጣጣም ሆኖ በመገኘቱ ከመጀመሪያ አቅራቢ መለዋወጫዎችን፣ አገልግሎቶችን ወይም ተገጣሚዎችን መገዛት አስፈላጊ ሲሆን፣
 - ሐ/ በገዢ መመሪያ የሚደረገው ገደብ እንደተጠበቀ ሆኖ፣ ያልተሰጡ ሁኔታዎች በማጋጠማቸው ምክንያት በመጀመሪያው ውስጥ ውስጥ ያልተካተቱ ተጨማሪ የገንባታ ዘርፍ ሥራዎች ማሰራት አስፈላጊ ሆኖ የተገኘ እንደሆነ እና በተከላከለ ወይም በሌሎች ምክንያቶች እነዚህን ተጨማሪ የገንባታ ሥራዎች ከመጀመሪያው ውስጥ ነጥሉ ማሰራት የማይቻል ሆኖ ሲገኝ፣
 - መ/ በገዢ መመሪያ የሚደረገው ገደብ እንደተጠበቀ ሆኖ፣ አሸናፊው ከተመረጠ በኋላ በተፈረመ ውስጥ የመጀመሪያው ግዢ የተከናወነባቸው ዓይነት ተመሳሳይ ሥራዎች ወይም አቅርቦቶች በድጋሚ እንዲሠሩ ወይም እንዲቀርቡ ማድረግ በማስፈለጉ ተጨማሪ ውስጥ መፈፀም አስፈላጊ ሲሆን፣

CHAPTER VI
DIRECT PROCUREMENT

43. Conditions for use of Direct Procurement

1. Public Bodies may use direct procurement only where the following conditions are satisfied:
 - (a) when in absence of competitions for technical reasons the goods, works consultancy or other required services can be supplied or provided only by one candidate;
 - (b) for additional deliveries of goods by the original supplier which are intended either as parts of replacement for existing supplies, services or installations or as the extension of existing supplies, services or installation where a change of supplies would compel the Public Body to procure equipment or services not meeting requirements of interchangeability with already existing equipment or services;
 - (c) within limits defined in the procurement directive, when additional works, which were not included in the initial contract have, through unforeseeable circumstances, become necessary since the separation of the additional works from the initial contract would be difficult for technical or economic reasons;
 - (d) within limits defined in the procurement directives, for new works consisting of the repetition of similar works which conform to a basic project of which an initial contract has been awarded on the basis of open or restricted bidding;

- Kh. Xaddeynta lagu qeexayo awaamiirta iibka iyada oo sideeda loo dhawrayo, markla heshiiskii hore ee ku saabsana la- talinta ama adeegyo kaleba uu si lagu qanacsan yahay ku dhamaado oo loo baahdo in adeegu sii socdo iyo xaqiijinayo dheeraynta heshiiskaasi tahay mid keenaysa tashiil dhaqaale iyo hufnaan shaqoba;
 - d) Isagoo ka duulaya baahida deg-dega ah oo keeni karta dhibaato culus oo geedi-socodka shaqada xafiiska wax u dhimi karta awgeed iibka uu fasaxo ma'uulka u sareeya xafiisku;
 - r) Faah-aahinta sida loo fulinayo iyadoo lagu caddayndoona awaamiirta Madax-xafiiseedku soo saari doono, marka ay jiraan xaalado xafiisyada dawladda ku qasbaya inay suuqa ururis wax ugaga gataan;
 - s) Marka uu yahay iib fulintiisu muddo kooban soconayso oo xafiiska faa'iido gaar ah u leh. Iyadoo farqadan loo isticmaalayo iibka ku sahaabsa qalabka ay gadaan ganacsatada aan ahayn alaab-keenayaasha rasmiga ah, alaabta laga gatto alaab-keenayaasha rasmiga ah looma isticmaalayo.
2. Xfiisyada dawladdu xaddiga lacageed ee lagu xaddidayo awaamiirta iibka xaddi aan ka badnayn oo iibka alaabta yaryar ah si toos ah hal alaab-keene way ka gadan karaan.
 3. Iyadoo la raacayo sida ku xusan farqadda (1) xarafka (r) iyo farqadda (2) ee qodobkan, iibka hal alaab-keene tooska looga fulinayo in heshiis lagalo looma baahna.
 4. Xafiisyada dawladda waxaa xil ka saaran ayhay inay xaqiijiyaan in aanu iibka habkan loo fulinayo ahayn mid looga dan leeyahay in tartamayaasha aanu tartan dhex marin ama in tartamayaasha lakala takooro.

- ሠ/ በገዥ መመሪያ የሚደረገው ገደብ እንደተጠበቀ ሆኖ፣ የመጀመሪያው የምክር ወይም ሌሎች አገልግሎቶች ውል አጥ ጋቢ በሆነ ሁኔታ መጠናቀቁ እና ውሉ እንዲረዘም ማድረግ ቁጠባንና ቅልጥፍንና የሚያሰገኝ መሆኑ በመረጋገጡ አገልግሎቱን መቀጠል አስፈላጊ ሆኖ ሲገኝ፣
 - ረ/ በጣም አስቸኳይ ከመሆኑ የተነሳ ከባድ ችግር የሚፈጥርና በመ/ቤቱ ሥራ አፈፃፀም ላይ ጉዳትን የሚያስከትል በመሆኑ ምክንያት በመ/ቤቱ የበላይ ኃላፊ የተፈቀደ ገዥ፣
 - ሰ/ ዝርዝር አፈፃፀሙ ቢሮ ኃላፊው በሚያወጣው መመሪያ የሚወሰን ሆኖ የመንግስት መ/ቤቶች ለሚኖራቸው የተለየ የግዥ ፍላጎት ማሟያ ከገበያ በለቀማ ግዥ መፈፀም የሚያስገድዱ ሁኔታዎች ሲፈጠሩ፣
 - ሸ/ ለአጭር ጊዜ የሚቆይ እና ለመንግሥት መሥሪያ ቤቱ ልዩ ጥቅም በሚያስገኝ ሁኔታ የሚፈፀም የዕቃ ግዥ ሲሆን ነው። ይህ ንዑስ አንቀጽ የሚያገለግለው በመደበኛ አቅራቢነት ያልተሠማሩ ሰዎች ለሚሸጡዎቸው ዕቃዎች ሲሆን፣ በመደበኛ አቅራቢነት ከተሠማሩ አቅራቢዎች አዘውትረው የሚፈፀሙ ግዥዎችን አይጨምርም።
- ፩. የመንግስት መ/ቤቶች በግዥ መመሪያው ከሚወሰን የገንዘብ መጠን ያልበለጡ ጥቃቅን ግዥዎችን ከአንድ አቅራቢ በሚፈፀም የግዥ ዘዴ በመጠቀም መግዛት ይችላሉ።
 - ፪. በዚህ አንቀጽ ንዑስ አንቀጽ ፩(ሰ) እና ፪ መሰረት ከአንድ አቅራቢ በቀጥታ ለሚፈፀሙ ግዥዎች ውል መዋዋል አስፈላጊ አይሆንም ።
 - ፫. የመንግሥት መሥሪያ ቤቶች ይህ የግዥ ዘዴ በዕጩ ተወዳዳሪዎች መካከል ውድድር እንዳይኖር ወይም በዕጩ ተወዳዳሪዎች መካከል ልዩነት ለመፍጠር ታስቦ ጥቅም ላይ ያልዋለ መሆኑን የማረጋገጥ ኃላፊነት አለባቸው።

- (e) within limits defined in the procurement directives, for continuation of consultant services, where the original contract has been satisfactorily performed and the continuation is likely to lead to gains in economy and efficiency;
 - (f) the head of the Public Body has determined that the need is one of pressing emergency in which delay would create serious problems and therefore injurious to the performance of that Public Body;
 - (g) where situations arise in which shopping becomes necessary to meet the special procurement needs of Public Bodies. The manner of implementation of this provision shall be prescribed by the directive to be issued by the Head of the Bureau;
 - (h) for purchase of goods made under exceptionally advantageous conditions which only arise in the very short term. This provision is intended to cover unusual disposals by firms, which are not normally suppliers. It is not intended to cover routine purchases from regular suppliers.
2. Public Bodies may use direct procurement when the contract price does not exceed an amount stated in the procurement directive.
 3. It shall not be necessary to conclude a contract in respect of direct procurements effected in accordance with sub-articles 1(g) and 2 of this Article.
 4. Public Bodies shall ensure that this method is not resorted to with a view to avoiding possible competition or in a manner which would constitute a means of discrimination among candidates.

Qod 44^{aad} - Nidaamka iibka tooska.

1. Marka xafiisyadda dawladda ee ku salaynaya fulinta iibka si waafaqsan qodobka (51) farqadda (1) in hal tartame oo kaliya ka iibsado, waxaa loo baahan yahay in u faahfaahin ka bixiyo sababta, nooca qalabka, caddadka, muddada lagu helayo iwm. Isla markaana u si xor ah qiimaha iyo shuruudaha kaleba ugala gorgortanto tartamaha. Iyadoo arrimaha ku xusan farqadda (3) ee qodobka (51) aan wax loo dhimayn, marka gorgortanku dhamaado ee is-afgarad lagaadho waa in lagu caddeeyo heshiis ay labada dhinacba saxiixeen.
2. Qodobada muhiimka ah ee loo baahan yahay in lagu gorgortamo waa inuu mas'uul xafiiska dawladda ee iibka lihi ansixiyo oo la siiyo xubnaha uga qayb galaya gorgortanka marka hal tartame oo kaliya tooska looga iibsanayo.

Qaybta Todobaad
Codsiga Broobosalka.

Qod 45^{aad} - Shuruudaha isticmaalka nidaamka iibka codsiga brobosaalada.

Xafiisyadda dawladda ee fulinaya iibku waxay isticmaali karaan habka iibka codsiga brobosaalada markay rabaan adeeg la- talineed ama heshiis iibka guud ahaan 50% in ka badan ay tahay adeeg la- talineed.

Qod 46^{aad} - Nidaamka iibka codsiga brobosaalka.

1. Marka xulashada tartamayaal kusaabsan Hadii kharashka Adeega latalintu u baahan yahay noqdo mid ka badan xaddiga lacageed ee lagu go'aamiyey awaamiirta, xulashada tartameyaashu waxaay noqonaysaa wixii ka dambeeya marka ogeysiis lagu waydiiyo inay fikirkooda soo caddeeyaan inta rabta inay ka qaybgalaan.

፵፬. ከስንድ አቅራቢ የሚከናወን ገዥ ስፎጻም

፩. የመንግሥት መሥሪያ ቤቶች በአንቀጽ ፶፩ (፩) በተደነገገው መሠረት ከስንድ አቅራቢ ገዥ ስመፈጸም ሲፈልጉ ገዥውን መፈጸም ያስፈልገበትን ምክንያት እና የሚገዛውን ዕቃ ወይም አገልግሎት ጥራት፣ ብዛት፣ የማቅረቢያ ጊዜና ሁኔታዎች የሚያብራራ መግሰጫ ማዘጋጀትና ዋጋን ጨምሮ ከአቅራቢው ጋር በገልፅ መደራደር አስባቸው። በአንቀጽ ፶፩ ንዑስ አንቀጽ ፫ የተገለጸው እንደተጠበቀ ሆኖ ድርድሩ ከተካሄደ በኋላ ገዥ ስመፈጸም የሚደረሰው ስምምነት በሁለቱ ተዋዋይ ወገኖች በሚፈረም ውል መረጋገጥ አስበት።

፪. ከስንድ አቅራቢ በቀጥታ ለሚፈጸም ገዢ ድርድር የማድረጊያ አትኩርተ-ነጥቦች ዝርዝር በመንግሥት መሥሪያ ቤት የበላይ ኃላፊ ፀድቆ ለተደራገደዎች ሲሰጥ ይገባል።።

ምዕራፍ ሰባት
በመወዳደሪያ ሀሳብ መጠየቂያ የሚፈጸም ግዥ

፵፭. በመወዳደሪያ ሀሳብ መጠየቂያ ግዥ ለመፈጸም መግለጫ ያለባቸው ሁኔታዎች

የመንግሥት መሥሪያ ቤቶች በመወዳደሪያ ሀሳብ መጠየቂያ ገዥ መፈጸም የሚችሉት ስምክር አገልግሎት ወይም ከውስጥ ጠቅላላ ዋጋ ውስጥ የምክር አገልግሎት ዋጋ ከ፶ በመቶ በላይ ለሚሆን ገዥ ነው።

፵፮. በመወዳደሪያ ሀሳብ መጠየቂያ የሚከናወን ገዥ ስፎጻም

፩ የምክር አገልግሎት የሚጠይቀው ወጪ በመመሪያ ከሚወሰነው የገንዘብ መጠን በላይ ከሆነ ዕጩ ተወዳዳሪዎች የሚመረጡት በውድድሩ ተሳታፊ ለመሆን የሚፈልጉ ሀሳባቸውን እንዲገልጹ በማስታወቂያ ከተጋበዙ በኋላ ይሆናል።

44. Procedure for direct procurement

1. When the Public Body engages in direct procurement according to Article 51(1), it shall prepare a description of its needs and any special requirements as to quality, quantity, terms and time of delivery, and shall be free to negotiate on price and conditions of offer with the sole candidate. Subject to the provisions of sub-Article 3 of Article 51 any agreement reached to conduct the procurement shall be confirmed by a contract signed by both parties.
2. The salient points to focus on in the negotiation of contracts for direct procurements shall be approved by the head of the Public Body concerned and communicated to the negotiators.

CHAPTER VII
REQUEST FOR PROPOSALS

45. Conditions for use of request for proposal

The Public Body may engage in procurement by means of request for proposals when it seeks to obtain consultancy services or contracts for which the component of consultancy services represents more than 50% of the amount of the contract.

46. Procedure for request for proposals

1. Requests for proposals shall be addressed to not less than three and not more than seven candidates selected by the Public Body.

2. xafiiska iibka fulinaaya waxaa laga raba inuu codsiga brobosaalka u diro tartamayaal uu xusho oo aan saddex ka yarayn toddobana ka badnayn.
3. Codsiga brobosaalka waa in uu ka koobnaado arrimahan hoos ku xusan:-
 - b) Magaca iyo addresska xafiiska dawladda ee iibka fulinaaya
 - t) Qoraalka muujinaya adeega larabo
 - j) Marka ay tahay adeeg latalineed oo keeni karo iska hor imaad (khilaaf) danneed, inay ku caddahay tartankan oo kale tartameyaasha ka soo qaybgalaya ogaysiin loogu sheegayo in looga baahan yahay inay ka reebanaadaan adeega latalinta kadib hawlaha la qabanayo ee xidhiidhka la leh adeega latalinta sida alaab-keenis ama shaqooyinka dhisma
 - x) codsiyada brobosaalada shu-ruudaha lagu qiimaynayo, dhi-bcaha qiimaha iyo shuruudaha la siinayo, qaabka loo adeegsanayo shuruudahaasi marka la qiimeynayo codsiyada brob-osaalada.
 - kh) Goobta iyo maalinta ugu danbaysa ee la soo gudbinayo codsiga brobosalka.
4. Tartameyaasha waxaa in la siiyo wakhti ku filan oo ay ku soo diyaariyaan brobosalkooda tartanka iyadoo inta muddadu tahay lagu xaddidi doono awaamiirta iibka.
5. Xafiiska dawladda ee iibka fulinaya wuxu tartamaha ka kowaad noqday ee la doortay kala gor-gortami karaa khuseeya dabeeca/nooca, xaddiga, iyo habsanaanta adeegga ee ku xusan brobosalkiisa..
6. Xafiiska iibka fulinaaya waxu tartamaha guulaystay ku xulan karaa, isagoo ka duulaya natiijada qiimaynta ku salaysan shuruudaha qiimayneed ee ku xusan dokumantiga codsiga brobosalka, tartamaha brobosalkiisa loo arko inuu ugu waxtar badan yahay.

- ፪. የመወዳደሪያ ሀሳብ መጠየቂያ ከሦስት ሳንቲሞች እና ከሰባት ሳንቲሞች በመንገድ መሥሪያ ቤቱ ለሚመረጡ ዕጩ ተወዳዳሪዎች መሳክ ይኖርበታል።
- ፫. የመወዳደሪያ ሀሳብ መጠየቂያ ቢያንስ የሚከተሉትን መረጃዎች መያዝ አለበት፣
 - ሀ/ የመንገድ መሥሪያ ቤቱን ስምና አድራሻ፣
 - ለ/ የሚፈለገውን አገልግሎት የሚያሳይ የማጣቀሻ ፅሁፍ፣
 - ሐ/ የጥቅም ገጽትን ሲያስከትል የሚችል የምክር አገልግሎት በሚሆንበት ጊዜ ለዚህ ዓይነት ውድድር የሚቀርቡ ዕጩ ተወዳዳሪዎች ከምክር አገልግሎት በማስከተል ከምክር አገልግሎት ጋር በተያያዘ ከሚከናወኑ የዕቃ አቅርቦትና የገንባታ ሥራዎች ራሳቸውን ማገልገል የሚገባቸው መሆኑን የሚገልጽ ማሳሰቢያ፣
 - መ/ የመወዳደሪያ ሀሳቦችን መገምገሚያ መስፈርቶችን፣ ሰዋጋና ለሌሎች መስፈርቶች የሚሰጠውን ነጥብ፣ መስፈርቶች የመወዳደሪያ ሀሳብ በሚገመገምበት ወቅት ጥቅም ላይ የሚውሉበትን አኳኝ፣
 - ሠ/ የመወዳደሪያ ሀሳብ የሚቀርብበትን ቦታና የመጨረሻ ቀን፣
- ፬. ዕጩ ተወዳዳሪዎች የመወዳደሪያ ሀሳብ ለማዘጋጀት የሚያስችላቸው በቂ ጊዜ ሊሰጣቸው የሚገባ ሲሆን፣ የጊዜ ገደቡ በገዥ መመሪያ ይወሰናል።
- ፭. የመንገድ መሥሪያ ቤቱ አንደኛ ሆኖ ከተመረጠው ዕጩ ተወዳዳሪ ጋር በመወዳደሪያ ሀሳቡ ውስጥ የተመለከተውን የአገልግሎትን ባህሪ፣ መጠን እና አደረጃጀት የሚመለከት ድርድር ማድረግ ይችላል።
- ፮. የመንገድ መሥሪያ ቤቱ ከዕጩ ተወዳዳሪዎች መካከል በአሸናፊነት ሲመርጥ የሚችሉው በመወዳደሪያ ሀሳብ መጠየቂያ ሰነድ በተመለከተው የመገምገሚያ መስፈርት መሠረት በሚካሄደው ገምገማ ያቀረበው የመወዳደሪያ ሀሳብ ይበልጥ ጠቃሚ ሆኖ የተገኘውን ዕጩ ተወዳዳሪ ነው።

2. The selection of candidates for consultancy services above a threshold to be determined by a directive shall be made after inviting candidates to submit expression of interest.
3. A request for proposals shall contain at least the following information:
 - (a) the name and address of the procuring entity;
 - (b) description of the services required, normally through terms of reference;
 - (c) in the case of consultancy assignments which may involve potential conflicts of interest, a reminder that candidates for such assignments must exclude themselves from procurement of goods and works which may follow as result of or in connection with the consultancy agreement;
 - (d) the criteria for evaluating the proposals, the relative weight to be given to price and other criteria, and the manner in which they will be applied in the evaluation of proposals;
 - (e) place and deadline for the submission of proposals.
4. Candidates shall be given adequate time in which to prepare their proposals which time frame shall be defined by the directive to be issued by the Minister.
5. The Public Body may negotiate with the first ranked candidate with respect to the nature, volume and organization of the services included in their proposals.
6. Any award by the Public Body shall be made to the candidate whose proposal is most advantageous, determined in accordance with the criteria and procedures for evaluating proposals set forth in the request for proposals.

Qaybta Sideedaad
Codsiga Qiima Sheegta

Qod 47^{aad}. Shuruudaha isticmaalka nidaamka libka qiimo-Sheegta.

Xafiisyadda dawladdu waxay nidaamka iibka qiime-sheegta fulin karaan marka iibku yahay mid aan ka badnayn qiimaha lagu xaddido awaamiirta madax-xafiiseedku soo saari doono oo alaabta ay iibsanaayana tahay mid suuqa loo diyaariyey ama shaqooyinka dhismaha oo suuqa ku caan ah leh ama adeega latalinta iyo adeegyo kaleba yihiin.

Qod 48^{aad} - Nidaamka libka Qiimo-Sheegta.

1. Xafiisyadda dawladda waxaa looga baahan yahay, haday suragal tahay, inay alaab-keenayaasha diwaanka alaab-keenayaasha ku jira ugu yaraan saddex (3) ka mid ah ka codsadaan inay qiimo-sheeg siiyaan.
2. Iibka qiimo-sheegta lagu fuliyo iib isku mid ah iyadoo ay alaab-keenayaal badani jiraan kuwa xaddidan oo kaliya looguma celcelin karo. Sidaasi darteed, xafiiska dawladda ee iibka fulinayaa inta uu karayoba waa inuu xaqiijiyaa in tartamayaasha kale ee la midka ah la siiyay fursad tartan oo u dhiganta kuwaasi.
3. Iibka qiimo-sheegta lagu fuliyo tartamayaasha codsiga loo dirayaa waa inuu muujinayo alaabta la keenayo ama shaqada dhismaha ama la-talinta ama adeegyada kale xaddigooda, tayadooda, erayada heshiiska keenista iyo wakhtiga iyo waliba faah-faahinta baahiyaha kale ee xafiiska.
4. Waxaa loo bahan yahay in xafiiska dawladda ee iibka lihi tartamayaasha siiyo mudo ku filan oo ay ku soo diyaariyaan qiimo-sheegga.
5. Xafiiska dawladda ee iibka fulinaaya marka uu dhamays tiro shuruudaha ku xusan qodobkan xarafka (3) waa inuu amarka iibka siiyo tartamaha qiimaha ugu hooseeya keenay.

Qaybta Sagaalaad
Tartanka Nooca Labada heer

Qod 49^{aad} - Shuruudaha isticmaalka habka iibka laba-qaayboodka.

Xafiiska fulinaaya iibka wuxu isticmaalikaraa nidaamkan iibka laba-wareegga ah marka Shuruudaha hoos ku qorani u eebeymaan:

ፖላሲና ስፖንት
በዋጋ ማቅረቢያ የሚፈፀም ግዥ

፵፯. በዋጋ ማቅረቢያ ለሚፈፀም ግዥ መማላት ያለባቸው ሁኔታዎች

የመንግሥት መሥሪያ ቤቶች በዋጋ ማቅረቢያ ገዥ ስመፈፀም የሚችሉት ገዥው በሚኒስትሩ በሚወጣው የገዥ መመሪያ ከሚወሰነው የገንዘብ መጠን ያልበለጠ እና የሚገዙትም ለገበያ የተዘጋጁ ዕቃዎች ወይም የታወቀ ገበያ ያላቸው የገንባታ ዘርፍ ሥራዎች፣ የምክር ወይም ሌሎች አገልግሎቶች ሊሆኑ ነው።

፵፰. በዋጋ ማቅረቢያ የሚካሄድ ግዥ አፈፃፀም

፩. የመንግሥት መሥሪያ ቤቶች የሚቻል እስከሆነ ድረስ በአቅራቢዎች ዝርዝር ውስጥ ከተመዘገቡ አቅራቢዎች መካከል ቢያንስ ሦስት አቅራቢዎችን የዋጋ ማቅረቢያ እንዲሰጡ ሲጠይቁ ይገባል።

፪. በዋጋ ማቅረቢያ ለሚፈፀም አንድ አይነት ግዥ አማራጭ አቅራቢዎች እስካሉ ድረስ በተደጋጋሚ የተወሰኑ አቅራቢዎችን ብቻ በመጋበዝ ማወዳደር አይቻልም። በመሆኑም የመንግሥት መሥሪያ ቤቱ እስከተቻለ ድረስ በዘርፉ ለተሰማሩ ሌሎች ዕጩ ተወዳዳሪዎች ተመጣጣኝ የመወዳደር ዕድል መስጠቱን ማረጋገጥ አለበት።

፫. በዋጋ ማቅረቢያ ለሚፈፀም ገዥ ስዕጩ ተወዳዳሪዎች የሚላከው መጠየቂያ የሚቀርበውን ዕቃ ወይም፣ የግንባታ ስራ፣ ወይም የምክር ወይም ሌላ አገልግሎት ጥራት፣ ብዛት፣ የማቅረቢያ የውል ቃሎች እና ጊዜ እንዲሁም ሌሎች የመንግሥት መሥሪያ ቤቱን ፍላጎቶች ዝርዝር የሚገልፅ መሆን አለበት።

፬. ገዥ የሚፈፀመው የመንግሥት መሥሪያ ቤት ስዕጩ ተወዳዳሪዎች የዋጋ ማቅረቢያ ለማዘጋጀት የሚያስችል በቂ ጊዜ ሲሰጣቸው ይገባል።

፭. የመንግሥት መሥሪያ ቤቱ በዚህ አንቀጽ ንዑስ አንቀጽ ፫ የተዘረዘሩትን ተፈላጊ ሁኔታዎች ስሟልት እና አነስተኛ ዋጋ ላቀረበ ተወዳዳሪ የገዥ ትዕዛዝ ይሰጣል።

ፖላሲና ዘጠኝ
በሁለት ደረጃ ጨረታ
የሚፈፀም ግዥ

፵፱. በሁለት ደረጃ ጨረታ ግዥ ለመፈፀም መማላት ያቀባቸው ሁኔታዎች

የመንግሥት መሥሪያ ቤቶች በሁለት ደረጃ ጨረታ ገዥን ለቋፈፀም የሚችሉት የሚከተሉት ሁኔታዎች ተሟልተው ሲገኙ ብቻ ነው።

CHAPTER VIII
REQUEST FOR QUOTATION

47. Conditions for use of Request for Quotations

The Public Body may engage in procurement by means of request for quotations for the purchase of readily available goods or for procurement of works or services for which there is an established market, so long as the estimated value of the contract does not exceed an amount stated in the procurement directive to be issued by the Head of the Bureau.

48. Procedure for request of Quotations

1. The Public Body shall request quotations from as many candidates as practicable, but from at least three, if possible from among suppliers registered in the suppliers list.

2. In cases where procurements are made using request for quotation, as long as other suppliers, who can supply same goods, services or works are available, the Public Body shall not repeatedly invite same suppliers to submit their quotations. The Public Body shall ensure that equal opportunity of participation in public procurement is given to all candidates engaged in the business.

3. The request shall contain a clear statement of the requirements of the Public Body as to quality, quantity, terms and time of delivery of the goods, works, consultancy or other services as well as other special requirements.

4. The public Body shall give adequate time to candidates in which to prepare their quotations.

5. A purchase order shall be placed with the candidate who meets the requirements of the Public Body stipulated in sub- article (3) of this Article.

CHAPTER IX
TWO - STAGE BIDDING

49. Conditions for use of two-stage Bidding

Public Bodies may engage in procurement by means of two-stage bidding:

1. Marka aanay xafiiska suuro-gal u ahayn in u diyaariyo faah-fahin ku filan alaabta, iyo adeegyada la gadanayo, ama aanay suurta gal ahayn in adeegyada dabiicooga laka saaro, ee loo baahdo in xal loo helo sidii baahida iib ee xafiiska loo oofin lahaa.
2. Marka uu rabo inuu galo heshiis ujeeddadiisu tahay in cilmi baadhis, daraasad ama shaqooyinka horumarinta waxa aan ka ahayn in lagu soo saaro alaab suuqa la iib gaynayo ama lagu badelayo kharashadka cilmi-baadhista iyo horumarinta.
3. Marka tartanka lagu baaqo haseyeeshe sababo la xidhiidha alaabta, shaqooyinka dhismaha, latalinta iyo adeegyada kale ee la gadanayo dabiicoga ama samyskooda oo aan kala caddayn awgeed ay tartamayaal kasoo qayb galiwaayaan tartanka ama intii kasoo qayb gashay lawada tuuray ee la ogaado sabatusidani u dhacday iany tahayxafiiska iibka leh oo diyaarin kari waayay faah-faahin dhamaystiran;
4. Marka loo baahdo in tartamayaasha lagala gorgortamo arrimo la xidhiidha alaabta, shaqooyinka dhismaha, latalinta iyo adeegyada kale ee la gadanayo dabiicoga ama samyskooda;

Qaabta Sagaalaa
Nidaamka Tartanka
Labameertaha ah

Qod 50^{aad} - Nidaamka Tartanka Laba-qayboodka.

1. Marka tartanku yahay laba qaybood, marka koowaad waxa tartameyaasha loogu baaqayaa inay soo gudbiyaan brobosaalkooda uu qiimuhu ka reeban yahay. Brobosaalkaas oo la xidhiidho farsamada, tayada iyo dabeecada kale ee alaabta, shaqada ama adeega isla markaana weedhaha iyo shuruudaha keenida, tartameyaasha waxa la waydiin karaa inay soo gudbiyaan awoodooda farsamo iyo xirfadeed.

- ፩. ለሚገዙት ዕቃዎችና አገልግሎቶች በቂ ዝርዝር ማዘጋጀት በመሥሪያ ቤቱ ደረጃ የማይቻል ሆኖ ሲገኝ ወይም አገልግሎቶችን በሚመለከት ባህሪ ያቸውን ሰይቶ ለማሳየት የማይቻል በሚሆንበት ጊዜ እና የመ/ቤቱን የገዢ ፍላጎት በከፍተኛ ደረጃ ለማሟላት የሚያስችል መፍትሔ ስመፈለግ፤
- ፪. ግዢው የሚካሄደው በገበያ ላይ ሲሆን የሚችሉ ዕቃዎችን ለማምረት ወይም የምርመር እና የልማት ወጪዎችን ለመተካት እስካልሆነ ድረስ የመንገድ መሥሪያ ቤቱ የምርመር፣ የውክል፣ የጥናት እና የልማት ሥራዎችን ለማከናወን የሚያስችል ውል መፈጸም ሲፈልግ፤
- ፫. ጨረታ እንዲወጣ ተደርጎ በሚገዙት ዕቃዎች ፣ የግንባታ ዘርፍ ሥራዎች ፣ የምክር እና ሌሎች አገልግሎቶች ባሕርይ ወይም ተፈጥሮ ግልፅ አለመሆን ምክንያት ዕጩ ተወዳዳሪዎች በጨረታው ያቀረቡ እንደሆነ ወይም የቀረቡት ተጨራሻች ውድቅ ሲደረጉ እና ይኸም የሆነው መሥሪያ ቤቱ የተሟላ ዝርዝር ማዘጋጀት ባለመቻሉ መሆኑ ሲታመን፤
- ፬. የሚገዙትን ዕቃዎች ፣ የግንባታ ዘርፍ ሥራዎች፣ የምክር እና ሌሎች አገልግሎቶች ባሕርይ ወይም ተፈጥሮ አስመልክቶ ከሰጩ ተወዳዳሪዎች ጋር ድርድር ማድረግ ሲያስፈልግ፤

፶ የሁለት ደረጃ ጨረታ ስራዎች

- ፩. ጨረታው የሚከናወነው በሁለት ደረጃ የጨረታ ዘዴ ሲሆን፣ በመጀመሪያው ዙር ዕጩ ተወዳዳሪዎች ዋጋን ያልጠመረ የመወዳደሪያ ህሳብ እንዲያቀርቡ በግልፅ ጨረታ ጥሪ ይደረጋል ። የጨረታው ሰነድ ከተክኒክ ጋር ገንኙነት ያላቸውን መግለጫዎች ፣ ጥራት ወይም የዕቃውን ወይም የአገልግሎቱን ሌሎች ባህሪዎች እንዲሁም የአቅርቦቱን ውል ቃላትና ሁኔታዎች ሲይዝ የሚገባ ሲሆን ፣ አገባብነት እስካለው ድረስ የሰጩ ተወዳዳሪዎችን የሙያ እና የተክኒክ ችሎታ እንዲገልጹ የሚጠይቅ ሲሆን ይችላል።

1. when it is not feasible the Public Body formulate detailed specifications for the goods works and in the case services, to identify the characteristics and, in order to obtain the most satisfactory solution to procurement needs;
2. when the Public Body sets to enter into a contract for the purpose of research, experiment, study or development, except where the contract includes the production of goods in quantities sufficient to establish their commercial viability or to recover research and development costs;
3. where bid proceedings are initiated but no bids are submitted as a result of the nature of the object of procurement not being clearly described or where all bids are rejected due to failure on the part of the Public Body concerned to draw up a clear and complete specification.
4. because of the technical character of the required goods or works, or because of the nature of the consultancy or other services is necessary for the Public Body to negotiate with the suppliers.

50. Procedure for Two-stage Bidding

1. The solicitation documents shall call upon suppliers to submit, in the first stage of the two-stage bidding proceedings, initial tenders containing their proposals without a tender price. The solicitation documents may also solicit proposals relating to the technical, quality and other characteristics of the goods, works or services as well as to contractual terms and conditions of supply and where relevant the professional and technical competence and qualifications of the suppliers.

- 2. Xafiiska dawladda iibka fulinaaya fikradda tartamidda ee tartamayaashu keensadeen wareeggii kowaad isagoo ka duulaya bahidiisa iib inta uu qiimayn ku sameeyo ayuu tartamayaasha keensaday fikir tartameed la aqbali karo ayuu gaar u sooci oo hadba sidii loogu baahdo ayuu isagoo ilaalinaaya tartamayaasha xogtooda iyo xuuquqdooda lahaanshoba wuxuu tartamayaasha kala hadli karaa fikirka tartamidda ee ay keensadeen.
- 3. Xafiiska dawladda ee iibka lihi isagoo ka duulaya baahidiisa iib ayuu inta uu qiimayn ku sameeyo fikrada tartamidda ee tartamayaashu keensadeen wareeggii kowaad diyaarini faahfaahin isku dheelitiran oo baahidiisa iib si fiican u dabooli karta. Markaasi kadib, ayuu tartamayaashii wareeggii kowaad keensaday fikirka tartamidda ee uu gaarka u soocay intuu wargaliyo faah-faahinta cusub ee la sameeyay ka codsani inay soo gudbiyaan fikir tartameedkooda oo qiimaysan iyo dammaanadda tartamidda, ayagoo raacaya faah-faahintan cusub.
- 4. Sida ku cad farqadda (3) ee qodobkan, xafiiska dawladdu marka uu diyaarinayo faah-faahinta cusub wuxuu karaa alaabta ama dabiicadda tayada iyo farsamada adeegga ee ku qornaa dokumantiga tartanka hore iyo shuruudaha u degan sidii qiimayn iyo tartansiin loogu samayn lahaa ee waliba loo xulan lahaa tartamaha guulaystay, inuu miduu rabo tirtiro ama cusboonaysiiyo ama dabiicooyin iyo shuruudo cusub oo bayaan kan la socon kara ku soo daro. Dhamaantood arrimaha cusub waa in tartamayaasha lagu wargaliyaa ogaysiinta loogu yeedhayo inay soo gudbiyaan fikir kooda tartan ee ugu dambeeya.
- 5. Faah-faahinta la cusboonaysiiyay iyagoo raacaya tartamayaasha aan rabin inay ka qaybqaataan wareegga labaad iskood ayay uga hadhi karaan.
- 6. Sida ku cad qodobka (43) ee bayaan kan, xafiiska dawladda ee iibka iska lihi wareegga labaad dokumantiga tartanka ee loo keensado intuu qiimayn ku sameeyo ayuu tartamaha guulaystay xulanayaa.

- ፪ የመንግሥት መሥሪያ ቤቱ በመጀመሪያው ዙር የቀረቡትን የመወዳደሪያ ሐሳቦች ከግዥ ፍላጎቱ አንፃር በመገምገም ተቀባይነት ያለው የመወዳደሪያ ሐሳብ ያቀረቡ ተጫራቾችን ይለያል። በዚህን ወቅት የመንግሥት መሥሪያ ቤቱ እንደአስፈላጊነቱ ከዕጩ ተወዳዳሪዎች ጋር ስለቀረቡት የመወዳደሪያ ሐሳብ የተወዳዳሪዎችን የጨረታ መረጃ እና የባለቤትነት መብት ጠብቆ ውይይት ሊያደርግ ይችላል።
- ፫ የመንግሥት መሥሪያ ቤቱ በመጀመሪያው ዙር የቀረቡትን የመወዳደሪያ ሐሳቦች ከግዥ ፍላጎቱ አንፃር በመገምገም ፍላጎቱን በተሻለ ሊያሟላ የሚችል አንድ ወጥ የሆነ ዝርዝር ያዘጋጃል። የተዘጋጀውን ዝርዝር በመጀመሪያው ዙር ተቀባይነት ያለውን የመወዳደሪያ ሐሳብ ላቀረቡ ተጫራቾች በማሳወቅ ተጫራቾች ዋጋን ጨምሮ በተሻሻለው ዝርዝር መሰረት የመጫረቻ ሐሳባቸውን እና የጨረታ ማስከበሪያ እንዲያቀርቡ ይገባቸዋል።
- ፬ በዚህ አንቀፅ ንዑስ አንቀፅ ፫ ላይ በተገለፀው መሠረት መ/ቤቱ አዲስ ዝርዝር ሲያዘጋጅ በመጀመሪያው የጨረታ ሰነድ ውስጥ ከተቀመጡት ማናቸውም የዕቃው ወይም የአገልግሎቱ የቴክኒክ ወይም የጥራት ባህርያት እና ሰነዶችን ለመገምገም እና ለማወዳደር እንዲሁም አሸናፊውን ለመምረጥ ከተቀመጡት መስፈርቶች ውስጥ ማናቸውንም ለመሠረዝ ወይም ለማሻሻል ወይም ከዚህ አዋጅ ጋር የሚስማሙ አዳዲስ ባህርያትንና መስፈርቶችን መጨመር ይችላል። እንደዚህ ይሁን ማናቸውም ሥረዛዎች ማሻሻያዎች ወይም ጭማሪዎች የመጨረሻ የመወዳደሪያ ሀሳብ እንዲቀርብ በሚተሳሰፍ ጥሪ ስተጫራቾች መገለጫ አስባቸው።
- ፭ በተሻሻለው ዝርዝር መሰረት በሁለተኛው ዙር ጨረታ መሳተፍ ያልፈለጉ ተጫራቾች ራሳቸውን ከውድድሩ ማግለል ይችላሉ።
- ፮ የመንግሥት መሥሪያ ቤቱ በሁለተኛው ዙር የቀረቡ የመጫረቻ ሰነዶችን በዚህ አዋጅ አንቀጽ ፵፫ በተደነገገው መሠረት በመገምገም አሸናፊውን ይለያል።

- 2. The public body shall identify responsive bids by evaluating the proposals submitted by the bidders at the first stage of the bid proceeding against its requirements. The Public Bouy may without prejudice to their intellectual property rights at this stage hold discussion with the candidates on the content of their proposals.
- 3. The Public Body shall draw up a specification which is more appropriate to its requirements on the basis of the evaluation against the requirements of the proposals submitted to it at the first stage of the bid proceeding. It shall then proceed to communicate the revised specification to the candidates who submitted responsible bids at the first stage and invite such candidates to submit proposals on the basis of the revised specification.
- 4. In formulating the revised specification in accordance with sub Article 3 of this Article the Public Body may delete or modify any aspect, originally set forth in the solicitation documents of the technical or quality characteristics of the goods, works or services to be procured and any criterion originally set forth in those documents for evaluating and comparing bids and for ascertaining the successful bids and may add new characteristics or criteria that conform with this Proclamation. Any such deletion, modification or addition shall be communicated to suppliers in the invitation to submit final bids.
- 5. A supplier not wishing to participate in the second stage of tendering in accordance with the reformulated specification may withdraw from the proceeding.
- 6. The Public Body shall evaluate the bids submitted at the second stage to ascertain the successful bidder pursuant to Art. 43.

7. Xafiiska dawladda iibka fulinaaya tartamaha kuguuleeystay wuxu la gali karaa gorgortan uu ka reeban yahay qiimuhu.

Qaybta Tobnaad

Habka Tartanka Iibka Caalamiga ah
Qod 51^{aad} Tartanka furan ee Caalamiga ah

- 1) Tartanka furan ee caalamiga ah waxaa la isticmaali karaa markasta oo loo arko in tartanka heer qaran aanu noqonaynin mid wax ku ool ah ilaa laga qayb galiyo tartanka shirkado dibadeed ama haddii iibku ka sareeyo xaddiga loogu tala galay tartanka heer qaran sida ay dhigayso awaamiirta uu soo saari doono madax-safiiseedku.
- 2) Waxaa tartanka lagu fulin karaa heer qaran inkastoo qiimahiiisu ka sareeyo xaddiga awaamiirta iibka ee uu madax-xafiiseedku soo saari doono u qoondaysay tartanka heer qaran haddii ay caddahay in shayga iibku khuseeyo laga heli karo oo kaliya dalka gudahiisa.
- 3) Tartanka furan ee caalamiga ahi waa inuu waafaqsanaadaa arrimaha lagu bayaamiyey Qaybta 4^{aad} ee bayaankan iyo qodobada hoos ku xusan.
 - b) Ogeysiiska iyo dhukum-entiyada tartanka waa in lagu diyaarshaa 1-uuqada ingiriiska,.
 - t) Ogeysiisyada tartanka waa in lagu bandhigo jaraa'id ama Wargays caan ah oo lagu qoro afka Ingiriiska soona jiidan kara shirkado dibadeed iyo sidoo kale websaytka wakaaladda, sida ay qeexayso awaamiirta iibku,
 - j) Wakhtiga loogu talo-galay ogaysiisku waa inuu yahay mid ku filan inta uu si fiican u gaadhayo tartameyaa-sha iyo inta ay ku diyaarsanaan isla markaana ay ku soo gudbinayaan dokumantiga tartanka. Muddada ogaysiisku marnaba kama yaraan karto muddada lagu xaddido awaamiirta iibka ee uu soo saari doono madax-xafiiseedku,

፯. ጨረታውን ያወጣው የመንግሥት መሥሪያ ቤት በጨረታው ገምገማ ከፍተኛ ውጤት ካገኘው አቅራቢ ጋር ከዋጋ በስተቀር በሌሎች ጉዳዮች ላይ ድርድር ሊያደርግ ይችላል።

ምዕራፍ አሥር
በዓለም ዐቀፍ ውድድር የሚፈፀም
ግዥ

፶፩ ዓለም ዐቀፍ ግዥ

- ፩. ዓለም ዐቀፍ ገልፅ የጨረታ ዘዴ ጥቅም ላይ ሲውል የሚችለው የውጭ ኩባንያዎች በጨረታው ተሳታፊ እንዲሆኑ ካስተደረገ በአገር ውስጥ ገልፅ ጨረታ ውጤታማ የሆነ ውድድር ሲኖር እንደማይኖር የታመነበት ወይም ግዥው ቢር ጋላፊው በሚያወጣው መመሪያ ከተመሰከተው የገንዘብ መጠን በላይ ሲሆን ነው።
- ፪. በዚህ አንቀጽ ንዑስ አንቀጽ (፩) እንደተመሰከተው ግዥው ቢር ጋላፊው በሚያወጣው መመሪያ ከተመሰከተው የገንዘብ መጠን በላይ ቢሆንም ምርቱ ወይም አገልግሎቱ በአገር ውስጥ ብቻ የሚገኝ መሆኑ ከተረጋገጠ ግዥው በአገር ውስጥ ገልፅ ጨረታ ሊካሄድ ይችላል።
- ፫. ዓለም ዐቀፍ ግዥ በዚህ አዋጅ ምዕራፍ ፬ የተጠቀሱትን እና ከዚህ በታች የተዘረዘሩትን ሥርዓቶች መከተል አለበት።
 - ሀ/ የጨረታ ማስታወቂያ እና የጨረታ ሰነዶች የዓለም ዐቀፍ ንገድ መገልገያ በሆነው በእንግሊዘኛ ቋንቋ መዘጋጀት አለባቸው።
 - ለ/ የጨረታ ማስታወቂያው በተዘጋጀበት በእንግሊዘኛ ቋንቋ በሚታተም ፣ በቂ ሥርጭት ባለው እና ዓለም ዐቀፍ ውድድርን በሚጋብዝ ጋዜጣ እንዲሁም በመመሪያው ላይ በሚገለጹ ፀው መሰረት በኤጀንሲው ድረ-ገፅ ላይ እንዲወጣ መደረግ አለበት።
 - ሐ/ የመጨረቻ ሰነድ የማቅረቢያ ጊዜው የጨረታው ማስታወቂያ ሰዕጩ ተወዳዳሪዎች እንዲደርስ ለማድረግ እና ዕጩ ተወዳዳሪዎች የጨረታ መወዳደሪያ ሀሳባቸውን አዘጋጅተው ለማቅረብ የሚያስፈልጋቸውን በቂ ጊዜ የሚፈቅድ መሆን ያለበት ሲሆን ፣ ሚኒስትሩ በሚያወጣው መመሪያ ከሚወሰነው ጊዜ ሊያንስ አይችልም።

7. The Public Body may engage in negotiation with the first ranking bidder concerning any aspect of its bid, except price.

CHAPTER X
INTERNATIONAL
COMPETITIVE BIDDING

51. Open International Bidding

1. Open international bidding shall be used whenever national open bidding is not effective and competitive bidding cannot be obtained unless foreign firms are invited to bid or for procurement above a threshold level national bidding to be determined by a directive issued by the Head of Bureau.
2. A Procurement may be effected by means of national competitive bidding notwithstanding that the cost of the procurement exceeds the threshold established, in the directive to be issued by the Head of the Bureau, for national bidding if it is ascertained that the required object of procurement is available only locally.
3. Open international bidding shall respect the provisions of Chapter IV as well as the following provisions:
 - (a) The invitation to bid shall be in the English language and the bid documents shall be in the English language.
 - (b) The invitation to bid shall be advertised in a newspaper published in English language which has wide circulation and attracts foreign competition as well as on the Agency's website in the manner prescribed in the directive.
 - (c) The time allowed for the submission of bids shall be sufficient for the invitation to reach candidates and for enabling them to prepare and submit bids. In any case it shall not be less than the time prescribed by the Directive to be issued by the Head of the Bureau.

x) Qeexida farsamo ee Qalaka, shaqada, iyo adeeguba waa inay illaa xad waafaqsanaadaan heerarka u degan qaranka ama caalami ama inay ahaadaan kuwo ku salaysan heerka si balaadhan loogu adeegsado ganacsiga aduunka.

Kh) Tartameyaasha waa in loo fasaxo inay qiimaha tartanka iyo dammaanada tartakaba ku keenaan lacagta Ethiopia ee Birta ama lacagta inta badan loo isticmaalo/adeegsado ganacsiga caalamiga ah ee lagu xusay dukumentiga tartanka.

d) Shuruudaha guud ahaaneed iyo kuwa gaar ahaaneed ee heshiisku waa inay ahaadaan nooca badanaa lagu isticmaalo ganacsiga aduunka.

4. Iyadoon waxba loo dhimayn jaangoynta heerarka iibka ee lagu qeexi doono awaamiirta madax-xafiiseedku soo saari doono iyo waliba iyadoo ay qasab tahay in in lagu qanacsan yahay shuruudaha loo isticmaalayo nidaam iib oo ka baxsan tartanka furan, xafiisyada dawladdu waxay ku fulin karaan nidaam iibka tartanka furan ee caalamiga ah iyagoo isticmaalaya tartanka xaddidan, codsiga barobosalka, codsiga qaansheegta ama iib toos ah marka la xaqiijiyo inay adag tahay in la helo iib wax ku ool ah ka qayb galka shirkadaha dibeda la'aantood.

መ/ የዕቃና የአገልግሎት ዝርዝር ከአገር ውስጥ ደረጃዎች ጋር የሚጣጣም ሆኖ እስከተቻለ ድረስ በዓለም ዐቀፍ ደረጃዎች ወይም በዓለም ዐቀፍ ንገድ በስፋት የሚሠራበትን ደረጃ መሠረት ያደረገ መሆን አለበት።

ሠ/ ዕጩ ተወዳዳሪዎች የመጫረቻ ዋጋቸውን እንዲሁም የሚያቀርቡትን ማናቸውንም የዋስትና ሰነድ በኢትዮጵያ ብር ወይም በጨረታ ሰነድ በተመሰከተው እና በዓለም ዐቀፍ ንገድ በስፋት በሚሠራበት የገንዘብ ዓይነት እንዲያቀርቡ መፈቀድ አለበት።

ረ/ አጠቃላይ እና ልዩ የውልቃሎችና ሁኔታዎች በዓለም ዐቀፍ ንገድ የሚሠራባቸው መሆን ይኖርባቸዋል።

፩. ቢሮ ኃላፊው በሚያወጣው መመሪያ ላይ የሚቀመጠው ገደብ እንደተጠበቀ ሆኖ ለየግዢ ዘዴው የተቀመጡ ሁኔታዎች ሲሟሉ እና የውጪ ኩባንያዎች እንዲሳተፉ ካልተደረገ ውጤታማ የሆነ ውድድር ሊኖር እንደማይችል ሲታመንበት የመንግሥት መሥሪያ ቤቶች በውስን ጨረታ፣ በመወዳደሪያ ሐሳብ መጠየቂያ ፣ በዋጋ ማቅረቢያ ወይም ከአንድ አቅራቢ በሚፈጸም ግዢ ዘዴ በመጠቀም ግዢውን በዓለም ዐቀፍ ውድድር መፈጸም ይችላሉ።

(d) with national requirements, and conform as far as possible with international standards or standards widely used in international trade.

(e) Candidates shall be permitted to express their bids, as well as any security documents to be presented by them in Ethiopian Birr, or in a currency widely used in international trade and stated in the bidding documents.

(f) General and special conditions of contract shall be of a kind generally used in international trade.

4. Without prejudice to the threshold to be established in the directive to be issued by the Head of the Bureau and provided that conditions for using other methods of procurement than open bidding are satisfied, Public Bodies may conduct procurement through international competitive bidding by means of restricted tendering, request for quotations or direct procurement where it is ascertained that it is impossible to carry out effective procurement without the participation of foreign companies.

Qaybta Kaw iyo Tobnaad

Iibka Gaarka ah

Qod 52^{aad} Iibka xaddiga badan ah

1. Guddi fulisa iib xaddiga badan ee dekaaka faa'i-idada u leh, iibka hal xafiisyo badani u baa-han yihiin, iyo xaraas-hka hantida dawladdu is dhaafinayso ayaa lagu aasaasi doonaa xeerka ay soo saari doonaan Kaabineedka degaanku.
2. Madax-xafiiseedku wuxuui go'aaminayaa noocyada iibka ee maa-daama ay faa'iido deg-aanka u leeyihiin ay fuli-nayaan guddiga lagu aasaasayo sida ku xusan farqadda (1) ee qodobkan

Qod 53^{aad} Nidaamka Heshiiska iib-duleedka ah.

1. Xafiisyada dawladda baahidooda iib isku midka yahay ama hal xafiis baahidiisa iib ee muddo xaddidan gudaheeda soo noq-noqota waxaa lagu fulin karaa heshiiska iibduleedka ah.
2. Xafiisyo hal ka badan baahidooda muddo xaddidan gudaheeda soo noq-noqota ee iibkooda isku midka ah waxaa heshiiska iibduleedka ah lagu fulin-ayaa arrimahaan soo socda:
 - b) Wakaaladdu baahida isku midka ah ee Xafiisyada dawladda intay daristo ayey faah-faahinta alaabta iyo adeegyadaba diyaarineysaa. Mar-kastana faah-faahinta ay kobcineysaa.
 - t) Xafiisyada dawladdu faah-faahinta alaabta iyo adeegyada ku xusan Qodobkaan farqadiisa (2) xarafkeeda (b) iya-goo raacaya intay ku talgalka baahidooda diyaariyaan ayey guddiga awoodda u leh fulinta iibka ogeysiinayaan.

ፖላሲና ስነ-ልቦናዎች

ልዩ ግዥ

፶፪. ከፍተኛ ግዥዎች

- ፩ ክልላዊ ጠቀሜታ ያላቸውን ከፍተኛ ግዥዎች ፣ ከአንድ በላይ በሆኑ የመንግሥት መሥሪያ ቤቶች የሚፈለጉ አቅርቦቶችን ግዥ እንዲሁም የሚወገዱ ንብረቶችን ስድገት የሚፈጸም አካል የክልሉ ምክር ቤት ካቢኔ በሚያወጣው ደንብ ይቋቋማል።
- ፪ የቢሮ ኃላፊው ክልላዊ ጠቀሜታ ያላቸው በመሆኑ ምክንያት በዚህ አንቀጽ ንዑስ አንቀጽ ፩ በተደነገገው መሠረት በሚቋቋመው አካል የሚፈጸሙ ግዥዎችን ዓይነት ይወሰናል።

፶፫ የማዕቀፍ ስምምነት ስፈ.፶፱፶፬

- ፩/ የመንግሥት መሥሪያ ቤቶች ላላቸው ተመሳሳይ የገዥ ፍላጎት ወይም አንድ የመንግሥት መሥሪያ ቤት በተወሰነ ጊዜ ውስጥ በተደጋጋሚ ለሚኖረው የገዥ ፍላጎት ገዥን በማዕቀፍ ስምምነት መፈጸም ይቻላል።
- ፪/ ከአንድ በላይ በሆኑ መ/ቤቶች በተወሰነ ጊዜ ውስጥ ለሚከናወኑ ተመሳሳይ አቅርቦቶች የማዕቀፍ ስምምነት በሚከተለው ሁኔታ ይፈጸማል።
 - ሀ/ ቢሮው የመንግሥት መሥሪያ ቤቶች የሚኖሩትን ተመሳሳይ ፍላጎት በማጥናት የዕቃና አገልግሎቶች ዝርዝር ያወጣል። በየጊዜውም ዝርዝሩን ያዳብራል።
 - ለ/ የመንግሥት መሥሪያ ቤቶች በዚህ አንቀጽ ንዑስ አንቀጽ ፪(ሀ) በተመሰከተው ዝርዝር ውስጥ ለተካተቱት ዕቃና አገልግሎቶች የሚኖሩትን የፍላጎት ትንበያ አዘጋጅተው ገዥውን እንዲያከናውን ሥልጣን ለተሰጠው አካል ያሳውቃሉ።

CHAPTER XI
SPECIAL PROCUREMENT

52. Large Value Procurement

1. There shall be established a central body, which shall be in charge of the execution of large value procurements having regional significance procurements of supplies for which a demand is shown by more than one public body and sale of public property to be disposed off, by a regulation to be issued by the Regional Cabinet.
2. The Head of the Bureau shall identify and update the types of procurements to be executed on account of their regional significance by the central body which shall be established pursuant to sub Article 1 of this Article.

53. Procedure of Framework Contract

1. Framework contracts may be used to fulfill similar procurement requirements of various public bodies or recurrent procurement requirements of a public body.
2. The following procedure of framework contract shall be followed to meet similar procurement requirements of public bodies within a given time frame:
 - a) the Bureau shall undertake a survey of the similar requirements of public bodies, issue a list of goods and services constituting such requirements and update the list regularly;
 - b) public bodies shall prepare a forecast of their requirements of goods and services falling under the list mentioned in sub-Article 2(a) of this Article and communicate the same to the body authorized to conduct large procurements;

j) Guddiga lagu aasaasay Qobobka (60) farqaddiisa (1). iyagoo raacaya bayaankan iyo awaamiinta madax-xafiiseedku soo saarayo faahfaahinta lagu caddeeyey, ayey heshiiska iib-duleedka fulinayaan, mamulayaan.

x) Xafiisyada dawladda ee iibka lihi iyagoo raacaya heshiiska iib-duleedka ee la saxiixey ayey alaabta ama adeegga wakhtiga ay u baahanyihiin iyagoo amarka iibka bixinaya ay iibkooda fushanayaan.

kh) Xafiisyada dawladdu amarka iibka ee ay siinayaan alaabkeenaha ku guuleystay heshiiska iib-duleedka waa la mid yihiin; arrimaha la mid ah shuuradaha lacag bixinta iyo arrimaha kale ee fulinta iyo qiimaha ku qoran heshiiska.

3. Amarka iibku sida ku xusan Qodobka (37) farqada (KH) ee bayaankan haddii aaney aheyn, heshiiska iib-duleedka qiimahiisa tafaariiqda ah ama arrimaha aasaasiga u ah shuruudaha heshiiska in wax laga beddelo lama ogola. Haseyeeshee arrimaha aan heshiiska ku jirin ama aan wax u dhimaynin shuruudaha aasaaska u ah heshiiska xafiiska dawladda iyo alaabkeenaha heshiiska ay sameysanayaan ayey ku caddaynayaan.

4. Heshiiska iib-duleedka isagoo sida iibka tartanka furan ah, haddana wuxuu socon karaa ilaa 3 (saddex) sano.

h/ በአንቀጽ ፳፱(ክ) መሠረት የሚቋቋመው ስነ ስርዓት ለዚህ አዋጅ በተመለከተው እና ቢሮ ኃላፊው በሚያወጣው መመሪያ ላይ በሚገለጸው ዝርዝር መሰረት የማዕቀፍ ስምምነት ይፈፀማል፤ ያስተዳድራል።

መ/ የመንግሥት መሥሪያ ቤቶች የተፈረመውን የማዕቀፍ ስምምነት መሠረት በማድረግ ዕቃው ወይም ስገልገሎቱ በተፈለገ ጊዜ የገዥ ተዕዛዝ በማስተላለፍ ገዥ ያቸውን ይፈፀማሉ።

ሠ/ የመንግሥት መሥሪያ ቤቶች ስማዕቀፍ ስምምነት አቅራቢው የገዢ ተዕዛዝ የሚያስተላልፏት የማዕቀፍ ስምምነቱ ከተፈጸመበት ዋጋ፣ የክፍያ እና ሌሎች የአፈፃፀም ሁኔታዎች ጋር በተጣጣሙ ሁኔታ ይሆናል።

፪/ በገዥ ተዕዛዝ ላይ በዚህ አዋጅ አንቀጽ ፴፯ ንዑስ አንቀጽ «ተ» በተመለከተው ሁኔታ ካልሆነ በስተቀር ከማዕቀፍ ስምምነቱ የነጠላ ዋጋ ወይም መሰረታዊ በሆኑ ሌሎች የስምምነቱ የውል ሁኔታዎች ላይ ሰውጥ ማድረግ አይፈቀድም። ሆኖም በማዕቀፍ ስምምነቱ ያልተካተቱ እና በማዕቀፍ ስምምነቱ ላይ መሰረታዊ ሰውጥ የማያስከትሉ ጉዳዮች የመንግሥት መሥሪያ ቤቱ እና የማዕቀፍ ስምምነቱ አቅራቢ በሚያደርጉት ስምምነት ይወሰናሉ።

፫/ የማዕቀፍ ስምምነት የሚፈጸመው በገጠሰ ጨረታ የገዥ ዘዴ ሆኖ፣ እስከ ሦስት ዓመታት ድረስ ፀንቶ ሊቆይ ይችላል።

(c) the body to be established in accordance with Article 60(1) of this Proclamation shall conclude and administer framework contracts in the manner prescribed herein and the directive to be issued by the Head of the Bureau;

(d) public bodies shall on the basis of the framework contract signed by the central body of procurement conclude the procurement by making order with the suppliers of goods and services that they require;

(e) the order that public bodies place with the suppliers for goods and services of their requirements under the framework contract shall confirm to the terms of the framework contract regarding price, terms of payment and other matters related to the execution of procurement.

3. Except in cases provided for in article 37(k) herein public bodies shall not be allowed to vary unit prices and such other fundamental terms of the framework contract when placing order for goods and services. However, the public body and the supplier may agree on terms that have not been dealt with in the framework contract or that do not materially affect the framework contract;

4. The framework contract shall be awarded through open bidding procedure and may remain valid for three years;

5. Hal xafiis baahidiisa iib ee muddo go'an gudaheeda soo noq-noqota wuxuu nidaamka iibka heshiiska iib-duleedka fulin karaa isagoo raacaya shuruudaha qiimaha alaabta iyo adeegga ee lagu dajiyey awaamiirta madax-xafiis-eedku soo saarayo.

Qaybta Laba iyo Tobnaad
Maamulka Hantida Dawladda

Qod 54^{aad} koobniin guud

Iyagoo raacaya awaamiirta uu madax-xafiiseedku soo saari doono, waxaa mas'uulka sare ee xafiis kasta oo dawladeed looga baahan yahay inuu xaqiijiyo in hantida dawladda si haboon loo isticmaalay loona xafiday iyo haddii loo baahdo in hawsha is dhaafinta sidii loo baahnaa loo qabtay.

Qod 55^{aad} Xafidaadda hantida

Dhamaan hantida dawladdu waa inay ahaato mid loo xafiido si dareen la haansho ku jiro isla markaasina loo isticmaalo fulinta hawlaha ansaxasan ee xafiiska oo kaliya iyo in lagu dadajinta adeegooda si ay u noqdaan kuwo faa'iido iyo firfircooni leh.

2) Xafiisku (BOFED) hantida dawladdu leedahay ee xafiis kasta oo dawladeed hayo hanti dawlo ahaan ayuu u haynayaa (u diwaan gashanayaa) una maamulayaa markuu u arko inay muhiim tahayna uu in la is-dhaafiyo ka dhigaysa.

Qod 56^{aad} Isticmaalka iyo dayactirka

1. Mas'uul kasta oo dawladeed waxaa looga baahan yahay inuu xaqiijiyo in hantida dawladda oo dhaman loo adeegsaday sida ugu haboon ee xilka xafiiska mid faa'iido leh uga dhigaysa.

2. Mas'uulka sare xafiisku isagoo raacaya awaamiirta uu madax-xafiiseedku soo saari doono sida ku cad, waa inuu dajiyaa nidaam dayactireed iyo mid xafidaadeedba si hantida dawladdu u noqoto mid dhaqaalaysan oo adeeg faa'iido leh u bixisa.

፮/ አንድ የመንግሥት መሥሪያ ቤት በተደጋጋሚ ለሚኖረው የገዢ ፍላጎት ገዢን በማዕቀፍ ለምሳሌ ሲፈጸም የሚችለው በሚኒስትሩ በሚወጣ መመሪያ የተመለከተውን የዕቃ ወይም የአገልግሎት ዋጋ የሚወስንበትን ገልፅ መስፈርት መሠረት በማድረግ ይሆናል።

ምዕራፍ ስኬ ሁለት
የመንግሥት ንብረት ስለተዳደር

፶፬ አጠቃላይ

ቢሮ ኃላፊው በሚያወጣው መመሪያ መሰረት እያንዳንዱ የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ የመንግሥትን ንብረት በአግባቡ የመያዝ እና የመጠቀም፣ አስፈላጊ ሆኖ ሲገኝም የማስወገድ ተግባር መከናወኑን ማረጋገጥ አለበት።

፶፭ ንብረትን ስለመያዝ

፩. ማናቸውም የመንግሥት ንብረት በባለቤትነት የመያዝ ብቸኛ ዓላማ የፀደቁትን የመስሪያ ቤቱን ፕሮግራሞች ለማስፈጸም እና አገልግሎቱን በማፋጠን ውጤታማና ብቁ ለማድረግ መሆን አለበት።

፪. ቢሮው በማናቸውም የክልሉ መንግሥት መስሪያ ቤት ሥር ያልሆኑትን የፌዴራሉን መንግሥት ንብረቶች በመንግሥት ንብረትነት ይይዛል፣ ያስተዳድራል፣ ተገቢ ሆኖ ሲያገኝም እንዲወገዱ ያደርጋል።

፶፮ አጠቃቀም እና ጥገና

፩. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ ማናቸውም የመንግሥት ንብረት የመስሪያ ቤቱን ኃላፊነት ውጤታማ በሚያደርግ መልኩ አገልግሎት ላይ መዋሉን ማረጋገጥ አለበት።

፪. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ እና ቢሮ ኃላፊው በሚያወጣው መመሪያ መሰረት የመንግሥት ንብረት ሲኮና ሚያዋና ውጤታማ በሆነ መንገድ አገልግሎት እንዲሰጥ ተገቢ የጥገና እና የአንክብካቤ ሥርዓት መዘርጋት አለበት።

5. In procuring goods and services under a framework contract to fulfill their recurrent requirements, public bodies shall have to adhere to the criterion of fixing prices of goods and services to be determined in the directive to be issued by the Head of the Bureau.

CHAPTER XII
PUBLIC PROPERTY
ADMINISTRATION

54. General

The head of each Public Body shall ensure that property at the disposal of the Public Body is properly handled, used and where necessary, disposed off in accordance with the directive to be issued by the Head of the Bureau.

55. Acquisition

1. All acquisitions of public property shall be for the sole purpose of facilitating the delivery and maintenance of approved programs as efficiently and effectively as possible.

2. The Bureau shall account for, administer and where necessary, dispose off property of the Regional Government which is not administered by any other Public Body.

56. Use and Maintenance

1. Heads of Public Bodies shall ensure that all public property is used as productively as possible in carrying out the responsibilities of their public bodies.

2. Heads of Public Bodies shall establish a proper maintenance system for all public property to ensure that it will operate a economically and effectively as possible in accordance with the directives of the Head of the Bureau.

Qod 57^{aad} Maareynta Hantida Dawladda.

የ፯ የመንግስት ንብረት ኦስተዳደር

57. Management of Public Property

1. Mas'uuliinta xafiisyada dawladdu waa inay joogteeyaan hab cimriyeedka maareynta hantida dawladda.
2. Mas'uuliinta xafiisyada dawladdu waa inay xaqiijiyaan in shay kasta oo hantida dawlada ahi u diwaan gashan yahay; taariikh, faah-faahinta shey-gga, tirade iyo qiimaha oo dhammeystiran laga billabo taariikhda la soo iibiyey ilaa dhammaadka cimri-gooda.
3. Mas'uulinta xafiisyada dawladdu waa inay xaqiijiyaan inuu mas'uuliyadda illaalinta hantida joogtada/maguurtada ah u xil saaranyahay qofka ku shaqeeya hantidaasi iyo in magaca qofka haya iyo meesha hantidaasi taalloba lagu qorey diwaanka hantida maguurtada/joogtada ah.
4. Mas'uuliinta xafiiska dawladdu waa inay xaqiijiyaan inay alaabta dhammata ee aan wali la isticmaalin ka mid tahay kaydka alaabta dhammaata oo cid loo xilsaarey xafidaadda kaydkeeda.
5. In dhammaan kaydka hantida dawladda la tiriyo sanadkiiba mar si maragmuujin looga dhigo diwaankooda.
6. Marka aan qiimaha hantida la sugi Karin, waa in loo qiyaasaa sida awaamiirta madax-xafiiseedku soo saari doono dhigeysa.
7. Qiima dhaca duugawgu keeno ee hantida joogtada ah, waxaa loo xisaabinayaa sida awaamiirta madax-xafiiseedku soo saari doono dhigeysa.

- ፩. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ የመንግስት ንብረት ለማስተዳደር የሕይወት ዘመን ሥርዓትን ይከተላል።
- ፪. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ የመንግስት ንብረት ከተያዘበት፣ ከአገልግሎት ውጪ እስከሆነበት ቀን ድረስ ንብረቱ አገልግሎት ያቋረጠበትን ጊዜ፣ የንብረቱን አይነት፣ ብዛቱን እና ያስከተለውን ወጪ የሚያሳይ ዝርዝር ተመዝግቦ መያዙን ማረጋገጥ አለበት።
- ፫. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ የመስሪያ ቤቱን ማናቸውንም ቋሚ ንብረት የመጠበቅ ኃላፊነት በመጀመሪያ ደረጃ ንብረቱን እንዲገለገሉበት ኃላፊነት ለተሰጣቸው ኃላፊዎች መሰጠቱን እና በቋሚ ንብረት መዝገብ የጠባቂዎች ዝርዝር እና በእነርሱ ጥበቃ ስር ያሉት ቋሚ ንብረቶች የሚገኙበት ቦታ መሰፈሩን ማረጋገጥ አለበት።
- ፬. የመንግሥት መሥሪያ ቤቱ የበላይ ኃላፊ ወዲያውኑ ጥቅም ላይ የማይውሉ አላቂ ዕቃዎች በመ/ቤቱ የሚመለከተው የንብረት ሥራ ክፍል በዕቃ ዝርዝር መዝገብ ውስጥ መካተታቸውንና ለጥበቃቸው ኃላፊ መመደቡን ማረጋገጥ አለበት።
- ፭. ማናቸውም የመንግስት ንብረት ቢያንስ በዓመት አንድ ጊዜ መቆጠር አለበት።
- ፮. የመንግስትን ንብረት ትክክለኛ ዋጋ ለመወሰን ሳይቻል ሲቀር ገምቱ ቢሮ ኃላፊው በሚያወጣው መመሪያ መሰረት ይወሰናል።
- ፯. ቢሮ ኃላፊው በሚያወጣው ዝርዝር መመሪያ መሰረት የሚፈጸም ሆኖ በመንግስት ቋሚ ንብረት ላይ የእርጅና ቅናሽ ይሰላል።

1. The Heads of public bodies shall adopt a life-time approach to the management of public property.
2. The Heads of public bodies shall ensure that items of public property are recorded as to date, description, quantity and cost from acquisition to the end of their life-time.
3. The Heads of public bodies shall ensure that the custodial responsibility for each fixed asset acquired is assigned primarily to persons using such fixed assets and that names of the custodians, and the locations of the fixed assets under their custody are recorded in the register of fixed assets.
4. The heads of Public Bodies, shall ensure that supplies, not acquired for immediate consumption, shall form part of supply inventories and that custodial responsibility be assigned for such inventories.
5. All inventories of public property shall be physically verified against records at least annually.
6. Where the actual cost of public property is not determinable, its cost shall be estimated in accordance with directives from the Head of the Bureau.
7. Depreciation shall be calculated on fixed assets in accordance with directive to be issued by the Head of the Bureau.

Qod 58^{aad} Ilaalin iyo xafidaad

Xafiis kasta oo dawladeed mas'uulka ugu sareeya iyo shaqaalaha waxaa xil ka saaran yahay ilaalinta iyo xafidaada hantida dawladda.

Qod 59^{aad} Is-dhaafinta/iska wareejinta.

1. Iyadoo faah-faahinta fulinteeda lagu qeexi doono awaamiirta uu soo saari doono madax-xafiiseedku, ayaa waxaa looga baahan yahay mas'uulka xafiiska ugu sareeya inuu xaqiijiyo in hantida aan adeeg bixinaynin la is dhaafiyey.
2. Taariikhda hantida la is dhaafiyey iyo lacagta laga helay waa in la geliyaa warbixinta xisaabta dawladda.
3. Iyadoo sida ku xaddidan awaamiirta madax-xafiiseedku soo saarayo sideeda ahaaneyso, lacagta laga helo is dhaafinta hantida dawladda waa in lagu shubo qasnadda dawladda deegaanka.

Qod 60^{aad} Tirtiridda.

1. Hantida dawladdu haddii aanay faa'ido u laheyn xafiiska leh ama xafiisyada kale ee dawladda oo aan iibna lagu heleynin waa in sida awaamiirta madax-xafiiseedkū soo saarayo ay dhigayso loo tirtiraa.
2. Haddii hantida dawladdu hawl-gab noqoto ama la xado ama siyaabahan oo kale isku dhinto ama lunto waa in laga tiro diwaanka hantida.

፶፮ መጠበቅና መንከባከብ

ማናቸውም የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ እና ሠራተኛት የመንግሥትን ንብረት የመጠበቅና የመንከባከብ ኃላፊነት አለባቸው ።

፶፱. ማስወገድ

፩. ዝርዝር አፈፃፀሙ ቢሮ ኃላፊው በሚያወጣው መመሪያ የሚወሰን ሆኖ የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ አገልግሎት የማይሰጡ ንብረቶች መወገዳቸውን ማረጋገጥ አለበት ።

፪. የተወገደ የመንግሥት ንብረት መገለጫና ንብረቱን በማስወገድ የተገኘው ገንዘብ በመንግሥት ሒሳብ ሪፖርት ውስጥ መጠቀስ አለበት ።

፫. በቢሮ ኃላፊው በሚወጣው መመሪያ የሚወሰነው እንደተጠበቀ ሆኖ፣ የመንግሥትን ንብረት በማስወገድ የተገኘ ገቢ ለማዕከላዊ ግምጃ ቤት ገቢ መደረግ አለበት።

፷ መሠረዝ

፩. የመንግሥት ንብረት ለሚገኝበት የመንግሥት መስሪያ ቤት ወይም ለሌላ የመንግሥት መስሪያ ቤት የማይጠቅምና ዋጋ የማያወጣ መሆኑ ሲረጋገጥ ቢሮ ኃላፊው በሚያወጣው መመሪያ መሰረት ይሰረዛል ።

፪. የመንግሥት ንብረት ሲበላሽ ከጥቅም ውጪ ሲሆን ሲሰረዝ ወይም በማናቸውም ሌላ ተመሳሳይ ምክንያት ሲገደል ወይም ሲጠፋ ከንብረት መዝገብ ይሰረዛል ።

58. Protection and Preservation

The heads and all employees of public bodies are responsible for the protection and preservation of public property.

59. Disposal

1. Heads of public bodies shall ensure that fixed assets which are not useful to the organization are disposed off in the manner to be prescribed in the directive to be issued by the Head of the Bureau.

2. The description and amount received from all public property disposed off shall be included in the Public Accounts.

3. Subject to the provisions of the directive to be issued by the Head of the Bureau concerning the matter, proceeds from the disposal of public property shall be deposited into the account of the central treasury.

60. Deletion

1. Where public property is considered to be of no use in the Public Body or elsewhere, and has no scrap value, it shall be deleted in accordance with the directives of the Head of the Bureau.

2. Deletion of public property shall be recorded when losses take place from inventory shortages, destruction, theft or any other reason.

3. Hanti kasta oo dawladdu leedahay marka la tirtiro tusmadeeda iyo qiimahe-edaba waa in awaamiirta madax-xafiiseedku soo saarayo iyadoo la raacayo warbixinta xisaabaadka dawladda lagu daro oo ay ka muuqato.

፫. ማናቸውም የመንግስት ንብ-ረት ሲሰረዝ መገልጫውና የንብረቱ የመዝገብ ዋጋ ቢሮ ኃላፊው በሚያወጣው መመሪያ መሰረት በመንግስት ሒሳብ ሪፖርት ውስጥ ተጠቃላኩ መታየት አለበት፡፡

3. The description and book value of all public property deleted shall be included in the public accounts in accordance with the directives of the Head of the Bureau.

Qod 61^{aad} Wareejin

Madax-xafiiseedku wuxuu soo saari doonaa awaamiir caddaynaysa sidii hantida aan xafiisyada dawladda wax tarka u lahayn ay deeq ahaan ugu wareejin lahayeen xubnaha ama hay'adaha ku lugta leh caawiya fulinta waajibaadka dawladda.

፳፩ ማስተላለፍ

የቢሮ ኃላፊው ሰክልሱ የመንግሥት መ/ቤቶች አገልግሎት የማይሰጡ ንብረቶች በክልሉ ውስጥ ሰሚገኙ የመንግሥትን ኃላፊነት የማገዝ ተገባር ሰሚያከናውኑ አካላት በሰጠታ የሚተሳቀፍበትን ሁኔታ በመመሪያ ይወሰናል፡፡

61. Transfer

The Head of the Bureau shall determine by directive the manner in which property which is not useful to the Regional Government may be transferred gratis to any other body carrying on activities complementing the responsibility of the government in the region.

Qaybta Saddex iyo Tobnaad
Assaasidda Guddiga Hubinta
Cabashooyinka
Maamulka Hantida iyo Iibka
Dawladda

ምዕራፍ አስራ ሦስት
በመንግሥት ግዥ እና ንብረት
አስተዳደር ላይ የሚቀርብ አቤቱታን
የሚያጣራ ቦርድ ስለማቋቋም

CHAPTER XII
ESTABLISHMENT OF THE
BOARD REVIEWING
COMPLAINTS ON PUBLIC
PROCUREMENT AND
PROPERTY ADMINISTRATION

Qod 62^{aad} Assaasidda Guddiga

1. Waxaa bayaankan lagu aasaasy Guddiga hubinta cabashooyinka (oo wixii hadda ka dambeeya loogu yeedhi doono "Guddiga") oo hubin doona go'aanna ka gaadhi doona cabashooyinka ka dhanka ah geedisocodka iibka iyo wareejinta hantida dawladdu ka maaranto noqonaysa.

፳፪ ስለቦርዱ መቋቋም

፩/ በመንግስት ግዥ አፈፃፀም እና ንብረት አወጋገድ ላይ የሚቀርቡ አቤቱታዎችን አጣርቶ ውሳኔ የሚሰጥ የአቤቱታ አጣሪ ቦርድ (ከዚህ በኋላ «ቦርድ» እየተባለ የሚጠራ) በዚህ አዋጅ ተቋቁሟል፡፡

62. Establishment of the Board

1. A body hereinafter referred to as the "Board" is hereby established which reviews and decides on complaints lodged in regard to public procurement and property disposal proceedings.

2. Guddigu wuxuu hoos tagayaa Madax-xafiiseedka.

፪/ ቦርዱ ተጠሪነቱ ለቢሮው ኃላፊ ይሆናል ፡፡

2. The Board shall be accountable to the Head of the Bureau.

Qod 63^{aad} Xubnaha Guddiga ee muddada ay shaqaynayaan

1. xubnaha guddigu waxay noqonayaan xubno laga soo xulay bulshada ganacsiga gaarka ah, Xafiisyada ku haboon ee dawladda, iyo hay'daha horumarinta ee dawladda.

፳፫ የቦርድ አባላት እና የስራ ዘመን

፩/ የቦርድ አባላት ከንግድ ማህበረሰብ፣ አገባብነት ካላቸው የመንግሥት መሥሪያ ቤቶች እንዲሁም ከመንግሥት የልማት ድርጅቶች የተውጣጡ ይሆናሉ፡፡

63. Board members and terms of service

1. The Board shall be drawn from persons representing the private business sector, the relevant public bodies and public enterprises.

2. Xafiisku (BOFED) wuxuu noqonayaa Xog-haya guddiga hubinta cabashooyinka iibka.

፪/ ቢሮው የገዢ አቤቱታ አጣሪ ቦርድ ፀሐፊ በመሆን ያገለግላል፡፡

2. The Bureau shall serve as the secretariat of the Board.

3. Madax-xafiiseedku wuxu magacaabi doonaa xubnaha Guddiga, wuxuuna go'aamin doonaa xaddiga gunada guddiga la siinayo iyo qaabka loo bixinayo.

4. Mudada shaqayo ee xubnaha Guddigu waa saddex sanno, hase ahaate xilka loo dhiibay xubin si haboon u gudan waaya inta aanay mudadu dhamaan markasta waxaa lagu badali karaa xubin kale.

Qod 64^{aad} Xilka iyo waajibaadka Guddiga

1. Madax-xafiiseedku waxa uu soo saari doonaa isla markaasina fulin doonaa awaamiir qeexaysa nidaamka uu Guddigu u shaqaynayo iyo guddigu xilka iyo waajibaadka u yeelanayo. Awaamiirtaasi waxay oofin doontaa xeerarkan guud ee hoos ku qoran:

b) Guddigu wuxuu intu hubiyo go'aan ka gadhi doonaa cabashooyinka ay u keentaan tartamayaasha ama alaab-keenayaasha.

t) Guddigu si uu shaqadiisa u guto dokumantigii ka caawnaya in loo keenu iyo waliba shakhsiyaadka, shaqaalaha, iyo madaxda ay khusaysosi ay uga dhaadhiciyaan wuxu amri karaa inay hor yimaadaan.

j) guddigu marka uu hubinta ku guda jiro hadduu u arko inay haboon tahay, wuxu dhinaca xirfadda in gacan laga siiyo waydiiisan karaa oo ka heli karaa shakhsiyaad dawladka ka tirsan ama aan ka tirsanaynba.

፫/ ቢሮ ኃላፊው የቦርዱን አባላት ይሰይማል ። ስቦርድ አባላት የሚከፈሉውን አበል መጠን እና የክፍያ አፈፃፀም ይወስናል።

፬/ የቦርዱ አባላት የሥራ ዘመን ሦስት ዓመት ይሆናል። ሆኖም የተሰጠውን ሐላፊነት በአግባቡ ያልተወጣ ስባል በማንኛውም ጊዜ ከሥራ ዘመኑ መጠናቀቅ በፊት በሌላ አባል ሲተካ ይችላል።

፳፬ የቦርዱ ሥልጣንና ተገባር

፩/ የቢሮው ኃላፊው ቦርዱ ስራውን የሚያከናውንበትን ሥርዓት፣ ቦርዱ የሚኖረውን ስልጣን እና ኃላፊነት የያዘ ዝርዝር መመሪያ የሚከተሉትን አጠቃላይ ሁኔታዎች በጠበቀ መልኩ አዘጋጅቶ ስራ ላይ ያውላል።

ሀ/ ቦርዱ ከዕጩ ተወዳዳሪ ሪፖርት ወይም ከአቅራቢዎች የሚቀርቡ አቤቱታዎችን መርምሮ ውሳኔ ይሰጣል።

ለ/ ቦርዱ ሥራውን ለማክናወን እንዲረዳው አግባብ ያላቸው ሰነዶች እንዲቀርቡ እንዲሁም የሚመለከታቸው አካላት ሰራተኞች ወይም ሐላፊዎች ቀርበው እንዲያስረዱ ሲያዝ ይችላል።

ሐ/ ቦርዱ አቤቱታ በማጣራት ሂደት ተገቢ ሆኖ ሲያገኝ ውስጠንገስታዊ ወይም መንገስታዊ ካልሆኑ አካላት ሙያዊ እገዛ መጠየቅ እና ማግኘት ይችላል።

3. The Head of the Bureau shall appoint the members of the Board. He shall determine the amount of allowance to be paid to the members of the Board and the mode of payment.

4. The term of service of members of the Board shall be three years. However, any member of the Board failing to properly discharge his duty maybe replaced at any time before his term of service expires.

64. Powers and Duties of the Board

1. The Head of the Bureau shall issue and implement a directive setting for the procedure the Board has to follow in the exercise of powers and duties which directive shall adhere to the following general rules:

a. the Board shall review and decide on complaints from candidates or suppliers;

b. the Board may in the exercise of its function require the production of relevant documents and the testimony of officials and employees of the concerned bodies.

c. the Board may also seek professional assistance from governmental or nongovernmental entities where it finds such assistance to be useful in reviewing and deciding on a complaint submitted to it;

- 2. guddigu wuxuu adeeg xafiis iyo taageero farsamaba ka helayaa Xafiiska (BOFED).
- 3. Iyadoo faah-faahinta lagu caddayn doono awaamiirta madx-xafiiseedka, guddigu cabashooyinka loo keensado markuu hubiyo wuxuu siin karaa go'aanadan hoos ku qoran ka uu aaminsan yahay inuu ku haboon yahay.

b) inuu amro in la saxo ama la joojiyo geedi-socodka iibka cabashadu uga timid,

t) inuu diido haddu u arko cabashadu in aanay sax ahayn.

- 4. Ayadoo ay tahay xubnaha guddigu inay u gutaan shaqadooda si asluub shaqo ku dheehan tahay, ayaa wuxuu xilka saaran yahay inay soo sheegaan oo geedi-socodkeedana iska faquuqaan danaha isku dhacaya ee ka yimid ama ka iman kara socodka shaqadooda

Qaybta Afar iyo Tobnaad
Cabashooyinka ku Saabsan Fulinta
Nidaamka Iibka iyo Wareejinta
hantida duuga ah ee Dawladda.

Qod 65^{aad} - Guud ahaan

- 1. Iyadoo loo hoggaansamayo qoddobada qaybtani tartame kasta wuxuu xor u yahay inuu cabasho u gudbiyo mas'uulka xafiiska ama Guddiga, taasi oo ka dhan ah fal uu sameeyay ama in la sameeyo ahay oo uu ka baaqsaday xafiiska iibka fulina ama hantida dawladdu ka maarrantay wareejinaya, taas oo uu aaminsan yahay inay xad-gudub ku tahay qodobada bayaankan iyo awaamiirta iibkaba.

፪ ቦርዱ የፅ/ቤት አገልግሎት እና የቴክኒክ ድጋፍ ከቢሮው ያገኛል።

፫. ዝርዝር አፈፃፀሙ ቢሮ ኃላፊው በሚያወጣው መመሪያ የሚገለፅ ሆኖ ቦርዱ የቀረበለትን ስቤታታ መርምሮ ከሚከተሉት ተገቢ ነው ብሎ የሚያምነውን ውሳኔ ሊሰጥ ይችላል።

ሀ/ አቤቱታ የቀረበበት የግዥ ሂደት እንዲስተካከል ወይም እንዲቋረጥ የማዘዝ፤

ለ/ የቀረበው አቤቱታ ተገቢ ሆኖ ካልተገኘ ውድቅ የማድረግ ፤

፬ የቦርድ አባላት ተግባራቸውን በተሟላ ሥነ ምግባር ማክናወን ያለባቸው ሲሆን በስራቸው አፈፃፀም የተፈጠረ ወይም ሊፈጠር የሚችል የጥቅም ግጭትን የማሳወቅ እና ራሳቸውን ከሒደቱ የማገለል ሐላፊነት አለባቸው።

ምዕራፍ ስድስት አራት
በመንግሥት ግዥ አፈፃፀም እና
ንብረት አወጋገድ

ሂደት ስለሚቀርብ አቤቱታ

፳፭. ጠቅላላ

- ፩. የዚህ ምዕራፍ ድንጋጌዎች እንደተጠበቁ ሆነው፣ ገዥውን በሚፈፅመው ወይም ንብረቱን በሚያስወግደው የመንግሥት መሥሪያ ቤት የተከናወነው ወይም ሳይከናወን የቀረው ተገባር ይህንን አዋጅ እና የአፈፃፀም መመሪያዎቹን ይጥሳል ብሎ የሚያምን ሰጪ ተወዳዳሪ ለመሥሪያ ቤቱ የበላይ ኃላፊ ወይም በደረጃ ለቦርዱ ስቤታታ ሊቀርብ ይችላል።

- 2. The Bureau shall provide the Board with office facility and technical assistance;
- 3. Upon deliberation on a complaint submitted to it, the Board may give one of the following decisions, which it deems to be appropriate, with the details to be prescribed in the directive to be issued by the Head of the Bureau.

a. that the procurement proceeding in respect of which a complaint was lodged be rectified or terminated.

b. to dismiss the case where in its judgment the complaint is unfounded.

- 4. The members of the Board shall discharge their duty in a perfectly ethical manner. They have the obligation to report any potential or actual conflict of interest they may come across in the exercise of their functions and to exclude themselves from any proceeding involving such conflict.

CHAPTER XIV
COMPLAINTS THAT MAY
BE LODGED WITH REGARD
TO PROCEEDINGS OF
PUBLIC PROCUREMENT
AND PROPERTY DISPOSAL

65. General

- 1. Subject to the provisions of this Chapter a candidate shall be entitled to submit a complaint to the head of the Public Body or to the Board against an act or omission of the Public Body in regard to a public procurement or property disposal proceeding where he believes that such an act or omission violates this Proclamation or the directives.

- 2. Arrimaha hoos ku qeexani way ka reeban yihiin arrimaha laga soo gudbisan karo cabashada ku cad farqada (1) ee qodobkan:
 - b) Doorashada nidaamka ii ee ku cad bayaankan,
 - t) Go'aan xafiiska iibka fulinaaya hab waafaqsan qodobka 30^{aad} ee bayaankan ku diido broposalka ama qiimo-shagyada.
 - j) Xafiiska dawladdu nidaamku u doortay inuu iskaga wareejiyo hantida dawladdu ka maarantay
 - x) Wixii la xidhiidha isticmaalka iyo xafidaadda hantida dawladda
- 3. Marka xafiiska iibka fulinaaya heshiiska ay kala saxeexdaan tartamaha ku guulaystay kadib cabasho la xidhiidha arrimaha la soo maray ama laga baaqsaday in la qabto geedi-socodka heerka lagu gaadhay dhaxdiisa lama oggola in xafiiska iibka leh ama Guddigu dib u eegis ku sameeyaan.
- 4. Farqadda (3) ee qodobkan arrimaha lagu qeexay waxay dhaqan-galayaan marka shuruudahaan hoos ku qorab dhamaystirmaan:
 - b) marka inta lagu guda jiray mudada ku cayiman awaamiirta madx-xafiiseedku soo saari doono aan la keenin cabasho ka dhan ah xafiiska dawladda ee iibka leh adibna sidaasi lagu saxiixo heshiis
 - t) marka cabashadii loo soo gudbiyay xafiiska iibka fulina jawaab ka celiyay kadibna mudada awaamiirta madx-xafiiseedku soo saari doono ay u xaddiday in marka tartamaha guulaystay lagu dhawaaqo heshiiska lagu saxiixi karo oo dhamaatay heshiis lagu saxiixo,
- 5. Faah-faahinta nidaamka loo raacayo fulinta cabashooyinka ku saabsan iibka dawladda iyo wareejinta hantida duuga ah ee dawladdu ka maaranto, waxaa lagu qeexi doona awaamiirta madx-xafiiseedku soo saari doono.

Qod 66^{aad} - Dib u eegista uu sameeyo mas'uulka xafiiska dawladda.

- 1. Cabashada ka dhanka ficiladda uu sameeyay ama inuu sameeyo laga rabay ee uu ka gaabiyay xafiisku waxaa marka hore loo soo dhaweeynaa mas'uulka xafiiskaasi.

፩. ከዚህ በታች የተዘረዘሩት በዚህ አንቀጽ ንዑስ አንቀጽ ፩ በተደነገገው መሠረት አቤቱታ ሲቀርብባቸው አይችሉም፡፡

ሀ/ በዚህ አዋጅ በተደነገገው መሠረት የሚከናወን የገዥ ዘዴዎች ምርጫ፤

ለ/ በዚህ አዋጅ በአንቀጽ ፴ መሠረት ጨረታን፣ የመወዳደሪያ ህሳብን ወይም የዋጋ ማቅረቢያን ውድቅ ማድረግ፤

ሐ/ የመንግስት መ/ቤቱ ንብረቱን ለማስወገድ በመረጠው የማስወገጃ ዘዴ፤

መ/ በመንግስት ንብረት አያያዝ እና አጠቃቀም ላይ፤

፪. የመንግስት መሥሪያ ቤቱ በጨረታው አሸናፊ ከሆነው ተወዳዳሪ ጋር የገዥ ውል ክፈረመ በጎሳ፣ ሂደቱ ከዚህ ደረጃ አስከፊ ድረስ በመሥሪያ ቤቱ በተከናወነ ወይም ሳይከናወኑ በቀረ ተገባራት ምክንያት የሚቀርቡ አቤቱታዎች በመንግስት መሥሪያ ቤቱ ወይም በቦርድ ሲታዩ አይችሉም፡፡

፫. በዚህ አንቀጽ ንዑስ አንቀጽ ፫ የተደነገገው ተፈጻሚ የሚሆነው የሚከተሉት ሁኔታዎች ሲሟሉ ነው፡፡

ሀ/ ቢሮ ኃላፊው በሚያወጣው መመሪያ ላይ በሚቀመጠው ጊዜ ገደብ ውስጥ ለመንግስት መሥሪያ ቤቱ አቤቱታ ባለመቅረቡ ውል የተፈረመ ከሆነ፤

ለ/ አቤቱታ ቀርቦ የመንግስት መሥሪያ ቤቱ ምላሽ የሰጠ እና ቢሮ ኃላፊው በሚያወጣው መመሪያ ላይ አሸናፊው ከተገለፀ በኋላ ውል ለመፈረም የተቀመጠው ጊዜ ገደብ በመጠናቀቁ ውል የተፈረመ ከሆነ፤

፭ በመንግስት ግዥና ንብረት ማስወገድ ላይ ስለሚቀርብ አቤቱታ እና ዝርዝር አፈፃፀም ቢሮ ኃላፊው በሚያወጣው መመሪያ ይወሰናል፡፡

፳፮ ለመንግስት መሥሪያ ቤት የባላይ ኃላፊዎች ስለሚቀርቡ አቤቱታዎች

፩. በመንግስት መሥሪያ ቤቱ በተከናወነ ወይም ሳይከናወን በቀረ ተገባር ምክንያት የሚቀርብ አቤቱታ በመጀመሪያ ደረጃ መቅረብ ያለበት ስመሥሪያ ቤቱ የባላይ ኃላፊ ይሆናል፡፡

2. No complaint may be lodged in accordance with sub-Article (1) of this Article in respect of the following matters:

- a. the selection of procurement method pursuant to this Proclamation;
- b. The rejection of bids, proposals or quotations pursuant to Article 30;
- c. The selection of method of property disposal;
- d. The handling and usage of public property.

3. Complaints against an act or omission of a Public Body pertaining to a proceeding leading to an award may not be brought before the head of that Public Body or the Board after the contract was signed with the successful bidder.

4. The provision of sub-Article 3 of this Article shall apply where the following conditions are satisfied:

- (a) where the contract was signed without a complaint being filed with the Public Body within the time limit prescribed in the directive to be issued by the Head of the Bureau;
- (b) where the public body responds to the complaint lodged and a contract is signed because of the expiration of the time limit on the directive to be issued by the Head of the Bureau for the signing of contract after the award, without the candidate pursuing its complaint further.

5. The procedure to be followed in resolving complaints brought in regard to public procurement and property disposal shall be established in accordance with the directive to be issued by the Head of the Bureau.

66. Review of Complaints by the Head of the Public Body

1. A complaint against an act or omission by the public body shall in the first instance, be submitted to the head of the Public Body.

- 2. Tartamuhu waa inuu cabashada ku soo dhawaystaa muddo 5 maalmaha shaqada ah gudahooda oo ka bilaabmaysa maalinta uu ogaaday arrinta cabashada dhaliyay.
- 3. Cabashada hadaan lagu xalin is-afgarad laba-geesood ah, mas'uulka xafiisku waa inuu xayiraa fulinta qandaraaska iibka ama wareejinta hantida dawladdu ka marantay, marka ay soo gaadho cabashadu mudo 15 maalmaha shaqada gudahoodna qoraal ku bixiyaa go'aankiisa oo ay ku cadahay sababta loo diiday, haddii la og-olaadayna talabooyinka sixitaan ee la qaadayo.
- 4. Haddii mas'uulka xafiiska dawladdu muddada lagu cayimay farqada (2) ee qodobkan, go'aan ku bixin waayo ama tartamuhu ku qanci waayo go'aanka mas'uulka, tartamuhu wuxuu xaq u leeyahay inuu Gudiga mudo 5 maalin shaqo gudaheed ugu soo gudbiyo cabashada ka dhanka ah iibka ama wareejinta hantida dawladdu ka marantay.

Qod 67^{aad} - Cabashooyinka loo soo dhawaysto Gudiga (Board)

- 1. Guddigu isla marka ay soo gaadho cabasho dhan ka ah iib fuliyaha, wuxuu la socodsiinayaa xafiiska ay khusayso in cabasho lid ku ah ay xafiiska timid. Xafiiskuna isla marka ay soo gaadho ogaysiinta cabashada ka dhanka ah waa in ay joojiyaan wixii arrintaasi la xidhiidha oo dhan illaa Gudigu arrintaas go'aan ka gaadhayo.
- 2. Haddii Gudigu aanu cabashada tartamaha aanu diidin:
 - b) Wuxuu ka joojin kara xafiiskaasi inuu qaado talaabo aan sharciiga waafaq-asaanayn,
 - t) wuxuu amri karaa in xafiiska dawladda ee laga soo cawday raaco nidaam aan ka baxsanayn sharciiga iibka wixii aan ka ahayn inay siinay ku dhawaaqaan cida ku guulaysatay ama ay heeshiis galaan
 - j) wuxuu tirtiri karaa gabi ahaan ama qayb ahaan go'aanka ama talaabada sharci darada ah ee xafii-syada dawladda.
- 3. Guddigu inta uuna go'aan ka soo saarin cabashada waa inuu wargeliyaa tartameyaashaay khusayso ee doonaya in wax ka oggaadaan cabashada isla markaasina uu hubiyo caddeymaha cabashada ee uu ka helo kuwaasi iyo haddi ay jirto dood ka horjeeda.

፩. ሰጠው ተወዳዳሪው ስቢቱታውን ሲያቀርብ የሚችለው ስቢቱታው መሠረት የሆነውን ውሳኔ ካወቀበት ወይም ማወቅ ይገባው ከነበረበት ቀን ጀምሮ ፭ የሥራ ቀን ጊዜ ውስጥ ይሆናል።

፪. ስቢቱታው በሁለቱ ወገኖች መካከል በሚደረግ ስምምነት ካልተፈታ በስተቀር የመንግሥት መሥሪያ ቤቱ የበላይ ኃላፊ የግዢውን ወይም የንብረት ማስወገዱን ሊደረግ ማገድ እና ስቢቱታው ከቀረበበት ቀን ስንስት በአሥር የሥራ ቀን ጊዜ ውስጥ፣ ውሳኔው የተሰጠበትን ምክንያት ወይም ስቢቱታው ተቀባይነት ይገኝ ከሆነ የሚወሰደውን የማስተካከያ እርምጃ በመጥቀስ የሰጠው ውሳኔ መስጠት አለበት።

፫. የመንግሥት መሥሪያ ቤቱ የበላይ ኃላፊ በዚህ ስንቀጽ ንዑስ ስንቀጽ ፫ በተወሰነው ጊዜ ውስጥ ውሳኔ ካልሰጠ ወይም ተወዳዳሪው በመንግሥት መሥሪያ ቤቱ የበላይ ኃላፊ ውሳኔ ያልረገጠ እንደሆነ የመሥሪያ ቤቱ ውሳኔ ስቢቱታ አቅራቢው መገለጫ ከነበረበት የመጨረሻ ቀን ወይም ውሳኔ የሰጠ ከሆነም ውሳኔው ከተገለጸበት ቀን ስንስት በሚቆጠር ፭ የሥራ ቀን ጊዜ ውስጥ ሰባርዱ ስቢቱታ ሲያቀርብ ይችላል።

፳፯. ሰባርዱ ስለሚቀርብ ስቢቱታ

፩. ሰባርዱ ስቢቱታ ሲቀርብበት ወዲያውኑ አገባብ ላለው የመንግሥት መሥሪያ ቤት ስቢቱታ የቀረበ መሆኑን የሚገልጹ ማስታወቂያ በፅሕፈት ቤት በኩል ይልካል። የመንግሥት መሥሪያ ቤቱም ሰባርዱ በጉዳዩ ላይ ውሳኔ እስከሚሰጥ ድረስ ማናቸውንም ቀጣይ እንቅስቃሴ ወዲያውኑ ማቆም አለበት።

፪. ሰባርዱ የሰጠው ተወዳዳሪውን ስቢቱታ ውድቅ ካሳደረገው በስተቀር፣

ሀ/ የመንግሥት መሥሪያ ቤቱ ስቢቱታ ያልጠበቀ ተገባር እንዲያከናውን እና ውሳኔ እንዲሰጥ ሊያገድ፣

ለ/ አሸናፊውን ተጫራች ከመምረጥ ወይም ውል ከመፈረም ጋር ከተያያዙ ውሳኔዎች በስተቀር የመንግሥት መሥሪያ ቤቱ ሥራውን እንዲያከናውን፣

ሐ/ የመንግሥት መሥሪያ ቤቱ ከስግ ውጪ ያከናውነው ተገባር ወይም የሰጠው ውሳኔ በሙሉ ወይም በክፍል ቀሪ እንዲሆን፣ ውሳኔ ሲሰጥ ይችላል።

፫. ሰባርዱ በስቢቱታ ላይ ውሳኔ ከመስጠቱ በፊት ስለስቢቱታው ማወቅ ለሚገባቸው አካላት ማሳወቅ ፣ ከእነዚህ አካላት የቀረበ መረጃ እና መከራከሪያ ሐሳብ ካለ ይህንን መመርመር አለበት።

2. A candidate shall have to submit the complaint within five working days from the date he knew or should have known the circumstances giving rise to the complaint.

3. Unless the complaint is resolved by mutual agreement, the head of the public body shall suspend the procurement or property disposal proceedings and shall, within 10 days after submission of the complaint, issue a written decision, stating the reasons, and, if the complaint is upheld, indicating the corrective measures to be taken.

4. If the head of the public body does not issue a decision within the time stated in sub-Article (3), or if the candidate is not satisfied with the decision of the head of the public body the candidate is entitled to submit a complaint to the Board within five working days from the date on which the decision was or should have been communicated to the candidate by the public body.

67. Reviews by the Board

1. Upon receipt of a complaint, the Board shall promptly give notice of the complaint to the public body concerned. Such action automatically suspends further action by the public body until the Board has settled the matter.

2. The Board, unless it dismisses the complaint, may:

(a) prohibit the public body from acting or deciding unlawfully;

(b) order the public body to proceed in a manner conforming to this Proclamation other than a decision to award or conclude a contract;

(c) annul in whole or in part, an unlawful act or decision by the public body.

3. The Board shall, before taking any decision regarding a complaint, notify relevant bodies of the complaint and shall take into account information and arguments received from such bodies and from the public body.

4. Guddigu waa inuu go'aan ku gaadho mudo 15 maalin shaqo gudahood marka laga bilaabo maalintay cabashadu soo gaadhay isagoo qeexaya sababaha uu go'aanka u gaadhay iyo tallaabooyinka xalka ah.

Qod 68^{aad} - Cabashooyinka loo soo dhawaysto Xafiiska (BOFED)

1. marka lagu guda jiro fulinta iibka dawladda iyo wareejinta hantida duuga ah ee dawladdu is dhaafinayso, haddi xafiiska dawladda ee arrintan iska lihi aamino in tartamayaasha ama alaab-keenayaasha ama cidda iibsata hantida lawareejinayo/la isdhaafinayo ay ku sameeyeen fal sharci darro ah ama wax u dhimaysa danihiisa sharciyeed, isagoo talaabooyinka uu qaadayo eek u xusan dokumantiga tartanka iyo hehiiska qandaraasku ay sidooda ahaanayaan, ayuu arrintan qraal ugu gudbinayaa Xafiiska (BOFED);

2. Xafiisku (BOFED) markuu xafiisyada dawladda cabasho ka helo, wuxu qoraal ay ku caddahay murtida cabashadu oo lagu ogaysiinayo in laga soo cawday u dirayaa tartamihii ama alaab-keenihihi ama iibsadihihi hantida dawladdu is dhaafinaysay ee laga soo cawday.

3. Xafiisku (BOFED) marka uu arko inay daw tahay in cabashada la hubiyo oo go'aan laga bixiyo, wuxuu karaa inuu u yeedho xubnaha ay arrintu khusayso oo uu wareysto ama xog waydiiyo oo ka helo, wuxuu sidoo kale karaa inuu cid kasta waydiisto oo ka helo taageero aqooneed.

4. Xafiisku (BOFED) cabashada u timaada intuu si haboon u hubiyo ayuu laga bilaabo maalinta cabashadu soo gaadho muddo 15 (shan iyo toban) maalin shaqo ah gudahood go'aan ka bixinayaa;

5. Sida uu dhigayo qodobkan farqaddisa (4), go'aanka uu Xafiisku (BOFED) bixinayo wuxuu noqon karaa kuwan hoos ku qoran midkood;

b) In muddo xaddidan ama aan xaddidnayn laga joojiyo ka qayb-galka iib kasta oo dawladeed iyo iibsiga hantida dawladdu is dhaafinayso tartamaha ama alaab-keenaha ama iibsadaha hantida dawladdu is dhaafinayso ee lagu helo inuu dambiile yahay;

t) In digniin qoraal ah la siiyo;

j) In cabashada wax kama jiraan laga dhigoo (la buriyo)

፬. PRCዳ ስቢቱታው ከቀረበለት ቀን ስንሰቱ በ15 የሰራ ቀናት ውስጥ ስውሣኔው መሠረት የሆኑትን ምክንያቶች እና የተወሰዱትን የመፍትሔ እርምጃዎች በመጥቀስ ውሣኔ መስጠት ስለበት።

፳፰. ለቢሮው ስለሚቀርብ አቤቱታ

፩. በመንግስታት ግዥ አፈፃፀም እና ንብረት አወጋገድ ሊደት የመንግስት መ/ቤት ከዕጩ ተወዳዳሪዎች ወይም ከአቅራቢዎች ወይም ከሚወገድ ንብረት ገዥዎች ሕገ ወጥ የሆነ ወይም ሕጋዊ የሆነ ጥቅሜን የሚጎዳ ድርጊት ተፈፀመብኝ ብሎ ሲያምን በጨረታ ሰነዱ ወይም በኮንትራት ስምምነቱ መሰረት የሚወስዳቸው ዕርምጃዎች እንደተጠበቁ ሆኖ ጉዳዩን ለኤጀንሲው በፅሁፍ ያቀርባል።

፪. ኤጀንሲው ከመንግስታት መሥሪያ ቤቶች አቤቱታ ሲቀርብለት አቤቱታ የቀረበ መሆኑን እና የአቤቱታውን ፍሬ ሐሳብ የሚገልፅ የፅሁፍ ማስታወቂያ አቤቱታ ለቀረበበት ዕጩ ተወዳዳሪ ወይም አቅራቢ ወይም የሚወገድ የመንግስት ንብረት ገዢ ይልካል።

፫. ኤጀንሲው አቤቱታውን ለመመርመር እና ውሳኔ ለመስጠት ተገቢ ሆኖ ሲያገኘው ጉዳዩ የሚመለከታቸውን አካላት ጠርቶ ማነጋገር ወይም መረጃ መጠየቅ እና ማግኘት እንዲሁም ከማንኛውም አካል የሙያ ድጋፍ መጠየቅ እና ማግኘት ይችላል።

፬. ኤጀንሲው የቀረበለትን አቤቱታ በተገቢው በመመርመር አቤቱታው በቀረበለት በ 15 የሰራ ቀናት ጊዜ ውስጥ ውሳኔ ይሰጣል።

፭. በዚህ አንቀፅ ንዑስ አንቀፅ ፬ መሰረት ኤጀንሲው የሚሰጠው ውሳኔ ከሚከተሉት አንዱን ሊሆን ይችላል።

ሀ. ጥፋተኛ ሆኖ የተገኘውን ዕጩ ተወዳዳሪ ወይም አቅራቢ ወይም የሚወገድ ንብረት ገዥ በማንኛውም የመንግስት ግዥ እና ንብረት አወጋገድ ሊደት ለተወሰነ ወይም ላልተወሰነ ጊዜ እንዳይሳተፍ የማገድ

ለ. የፅሁፍ ማስጠንቀቂያ የመስጠት

ሐ. የቀረበውን አቤቱታ ውድቅ የማድረግ

4. The Board shall issue its decision within 15 working days of receiving the complaint, stating the reasons for its decision and remedies granted, if any.

68. Review by the Bureau (BOFED)

1. Where a public body believes that an unlawful act or an act prejudicial to its legitimate interest has been committed by candidates, suppliers or by buyers of disposed property, it shall without prejudice to the measures it is entitled to take against such persons in accordance with the bidding document or the contract, notify the matter in writing to the Bureau.

2. Upon receipt of the complaint the Bureau shall send a written notice of the complaint and the content of such complaint to the candidate, the supplier or the buyer of disposed property against whom the complaint was lodged.

3. Where the Bureau finds it appropriate to the resolution of the complaint it may require persons concerned with the matter to appear in person and give evidence or seek professional assistance from any appropriate body.

4. The Bureau shall review and give decision on the complaint within 15 working days of receipt of such complaint.

5. The decision to be rendered by the Bureau in accordance with sub-article 4 of this Article may be one of the following:

(a) suspend for a definite or indefinite period the candidate, supplier or buyer of disposed property which it finds to be at fault from participation in any public procurement or property disposal.

(b) give a written warning

(c) dismiss the complaint.

6. Nidaamka Xafiisku (BOFED) u hubinayo isla markaasina go'aanka uga soo saarayo cabashooyinka xafiisyada dawladu u soo gudbistaan waxaa tilmaan cad ka bixinaya awaamiir ka soo baxaysa oo dhaqan galaysa mar uu ansixiyo madax-xafiiseedku.

Qaybta Shan iyo Tobnaad
Qodobo kala Gadisan

Qod 69- Dambiyada iyo ganaaxyada

1. Si loo dhaqan-geliyo qod-obkan bayaankan mas'uul kasta oo xafiis dawladeed ku magacaaban ama ku meelaysan oo:-
 - b) Qaata lacag ka baxsan lacagta sharcigu jideeyey kadib marka uu fuliyo mas'uuliyada wa-ajibka ku ah.
 - t) Ka qayb-qaata ama u fududeeyo xaalad lagu m-usuq-maasuqo shaqooy-inka arrimaha iibka ama wareejinta hantida dawla-du ka maarantay ee xafiis dawladeed.
 - j) Si cad ugu xad-gudba ama suuro-geliya in cid kale ku xad gudubto bayaankan
 - x) Qaab kasta ku saxeexa dhukumentii la been abuu-ray, isagoo ogg ama diiwaan-geliyey ama bix-iya shahaado been-abuura, Waxaa lagu xukum-ayaa lacag gana-ax ah oo aan ka yarayn 25,000 (shan iyo labatan kun) oo Bir kana badnayn 35,000 (shan iyo soddon kun) oo Bir iyo waliba Xarig adag oo aan ka yarayn 10 sano kana badnayn 15 sano.
2. Xirfadle kasta oo loo shaqaaleeyey inuu fuliyo awaamiirta bayaankan lagu qeexay, xogta si cad loo bayaaamiyo waxaan ka ahayn ee
 - b) Marka uu gudbiyo xogta la xidhiidha fulinta arrimaha iibka ee uu ku helay mas'uuliyada ama xilka uu hayo awgeed, isla markaana uu u gudbiya cid saddexaad ama wakiilkiisa.

፮. ቢሮው ከመንግስት ሙ/ ቤቶች የሚቀርቡለትን አቤቱታዎች የሚመረምርበትን እና ውሳኔ የሚሰጥበትን አሰራር የሚያሳይ መመሪያ በቢሮው ኃላፊ ፀድቆ ስራ ላይ ይውላል።

ምዕራፍ ስከራ አምስት
ልዩ ልዩ ድንጋጌዎች

፳፱ ጥፋቶችና ቅጣቶች

- ፩. ደህንን አዋጅ ስመፈፀም በማናቸውም የመንግሥት ሙ/ ቤት የተሾመ ወይም የተመደበ ሰው፣
 - ሀ/ በሕግ መሠረት ሲከፈለው ከሚገባ በስተቀር የተመደበበትን ሥራ በማከናወኑ ማናቸውንም ክፍያ ከተቀበለ፣
 - ለ/ ከመንግሥት ገዥ አሠራር እና ንብረት አወጋገድ ጋር በተያያዘ የማጥበር ሰርተፊኬት ተገባር ፈፅሞ የተገኘ ወይም ሌላ ሰው እንዲያጥበረብር ሁኔታዎችን በማመቻችት የተባበረ ወይም ያሰራ፣
 - ሐ/ ሕጉን የጣሰ ወይም በሌላ ማንኛውም ሰው ሕጉ እንዲጣሰ ሆኖ ብሎ የፈቀደ፣
 - መ/ በፈቃደኝነት በማናቸውም መንገድ ሀሰተኛ ሰነድ ሳይ የፈረመ ወይም የመዘገበ ወይም ሀሰተኛ የምስክር ወረቀት የሰጠ፣ ከብር ፳፭ ሺህ (ከሃያ አምስት ሺህ ብር) በማያንስና ከብር ፵፭ ሺህ (ከሠላሳ አምስት ሺህ ብር) ሺህ በማይበልጥ የገንዘብ መቀጫና ከ፲ ዓመት በማያንስና ከ፲፭ ዓመት በማይበልጥ ፅኑ እሥራት ይቀጣል።
- ፪. የዚህን አዋጅ ድንጋጌዎች ስማስፈፀም የተቀጠረ ማናቸውም የገዥ እና ንብረት አስተዳደር ባለሙያ በዚህ አዋጅ ይፋ እንዲሆን ከታዘዘው ዓይነት መረጃ በስተቀር፣
 - ሀ/ ባለው ሥልጣን ወይም ኃላፊነት ምክንያት ያወቀውን የሌላ ሰው ማናቸውንም መረጃ ስማናቸውም ሌላ ሰው ወይም የዚህ ሰው ወኪል ለሆነ ሰው አሳልፎ የሰጠ፣

6. The Head of the Bureau shall establish by a directive the procedure the Bureau follows in reviewing and deciding complaints submitted to it in accordance with this Article.

CHAPTER XV
MISCELLANEOUS PROVISIONS

69. Offences and Punishment

1. Every person appointed to or employed by a Public Body in carrying out the provisions of this Proclamation who:
 - (a) receives any payment for the performance of his official duty, except as provided by law;
 - (b) who defrauds a public body, conspires or colludes with any person to defraud the public body or provides an opportunity for any person to defraud the public body in regard to a public procurement or property disposal proceeding;
 - (c) contravenes or intentionally permits any contravention of this Proclamation.
 - (d) willfully makes or signs any false entry in any document or willfully makes or signs false certificates; is liable on conviction to a fine not less than Birr 25,000 and not more than 35,000 and to a rigorous imprisonment for a term of not less than 10 years and not more than 15 years.
2. A procurement and property administration officer employed in carrying out the provisions of this Proclamation, except such information is required by this Proclamation to be official, who:
 - (a) discloses to any person or that person's representative, any matter in respect of another person, that, may, in the exercise of the procurement officer's powers or the performance of the procurement officer's duties come to the procurement officer's knowledge;

- t) Cidda ku kacda ama gudbisa xog la xidhiidha shaqooyinka iibka ee lagu fulinayo qaab-waafaqsan awooda iyo shaqooyinka xafiiska waxaan ka ahayn iyadoo haysa amar maxkamadeed ama hayad kale oo sharci u leh: Marka maxkamada horteeda lagaga cadeeyo inuu dambiile yahay waxaa laganaaxaya lacag aan ka yarayn 10,000 (toban kun) oo Bir iyo xadhig aan kayarayn 2 (laba) sano kana badnayn 5 (shan) sano.
- 3. Shaqaalaha loo qoray inay hirgaliyaan qodobada bayaankan ku xusan
 - b) Shaqaalaha arrin la xidhiidha waajibaadkiisa shaqo si toos ah ama dadban dalbada ama gudooma kharash ama hadyad maadi ama maaliyadeed ama dalbada dammaanad hadyad ama bixinta kharashkaas.
 - t) Gala heshiis tilmaamaya in hanaanka iibka ama wareejinta hantida ay dawladdu ka maaranto ay ka dhacdo khayaano ama fal ka hor imanaya qodobada bayaankan ama habsami u fulinta waajibaadkiisa shaqo ka baaqsada hawl in uu fuliyo ay tahay, qariya khiyaamo dhacday ama arrimahan oo kalê ka dhex dhaceen heshiiska: Marka maxkamadda horteeda inuu dambiile yahay laga cadeeyo, waxaa lag ganaaxi lacag aan ka badnayn 50,000 (konton kun) oo Bir iyo xadhig adag oo aan ka yarayn 10 (taban) sano kana badnayn 20 (labaatan) sano.

- 4. Qof kasta oo mas'uul loo magacaabay ama loo shaqaaleeyay fulinta Mamulka iibka iyo hantida dawladda u balan-qaada ama siiya laaluush si uu;
 - b) Ugu culaysiiyo go'aanka ama tallaabada arrin hor taala ama arrimaha mustaqbalka kaga xidhmi Kara.

- ñ/ በዚህ አዋጅ መሠረት የተሰጠውን ኃላፊነት ስመ ፈጸም ወይም የሥራ ገደታውን ስመወጣት እንዲያስችል በባለቤቱ መ/ቤቱ የሚገኘውን ማናቸውንም መረጃ በፍርድ ቤት ወይም ስልጣን በተሰጠው አካል ትዕዛዝ ካልሆነ በስተቀር ለሦስተኛ ወገን ስላልፎ የሰጠ እንደሆነ፣ ጥፋተኛ መሆኑ በፍርድ ቤት ሲረጋገጥ ከብር ፲ ሺህ በማደንስ የገንዘብ መቀጫ እና ከ፪ (ሁለት) ዓመት በማደንስ፣ ከ፮ (አምስት) ዓመት በማደበልጥ እሥራት ይቀጣል።
- ፫. የዚህን አዋጅ ድንጋጌዎች ሥራ ላይ ለማዋል የተቀጠረ ሠራተኛ ወይም ኃላፊ፣
 - ሀ/ በቀጥታ ወይም ቀጥተኛ ባልሆነ መንገድ የገንዘብ ወይም ሌላ ዓይነት ክፍያ ወይም ስጦታ እንዲደረግለት የጠየቀ ወይም የተቀበለ ለክፍያው ወይም ለስጦታው ተስፋ ወይም መያዣ የጠየቀ ወይም የተቀበለ፣ ወይም
 - ለ/ በገዥ እና ንብረት አስተዳደር ተገባር ላይ ማኖር በርበር ወይም ከዚህ አዋጅ ድንጋጌዎች ጋር ወይም ከተሰጠው ኃላፊነት መልካም አፈፃፀም ጋር የሚቃረን ተገባር ለመፈጸም፣ ማድረግ የሚገባውን ከማድረግ ለመቃቀስ፣ ተገቢ ያልሆነን ነገር ለቋቋም፣ በገዥ እና ንብረት አስተዳደር ላይ የሚፈጸምን የማኖርበር ተገባር ለመደበቅ፣ ወይም በሚስጥር ለመተገበር ውል የገባ ወይም በሚገባው ውል ውስጥ በዚህ ተገባር መተባበሩን የሚያሳይ ስምምነት የሰጠ፣ ጥፋተኛ መሆኑ በፍርድ ቤት ሲረጋገጥ ከብር ፶ ሺህ የማደበልጥ የገንዘብ መቀጫ እና ከ፯ ዓመት በማደንስ ከ፰ ዓመት በማደበልጥ ፅኑ እሥራት ይቀጣል።
- ፬. ማንኛውም ሰው በመንገሥት ገዥ እና ንብረት አስተዳደር ላይ ለተሾመ ሰው ወይም ለተመደበ ሠራተኛ፣
 - ሀ/ የቀረበለትን ውሳኔ በመጠበቅ ላይ ያለውን ጉዳይ ወይም በሥራ ኃላፊነቱ ምክንያት ሲቀርብለት በሚችል ጉዳይ ላይ የሚሰጠውን ውሳኔ ወይም የሚወስደውን እርምጃ ለማዛባት ወይም፣

- (b) permits any other person to have access to records in the possession or custody of the public body, except in the exercise of the procurement officer's powers or the performance of the procurement officer's duties under this Proclamation or by order of a court or any competent body commits an offence and is liable on conviction to a fine of not less than Birr 10,000 and to imprisonment for a term of not less than (2) years and not more than (5) years.
- 3. Every person appointed to or employed by a public body in carrying out the provisions of this Proclamation who:
 - (a) directly or indirectly asks for or receives in connection with any of his duties, a payment or gift, whether pecuniary or otherwise, or promise or security for that payment or reward;
 - (b) enters into or acquiesces in an agreement to do or to abstain from doing, permit, conceal, or connive at any act or thing whereby the procurement or property disposal is or may be defrauded or which is contrary to the provisions of this Proclamation or to the proper execution of the procurement officer's duty; commits an offence and is liable on conviction to a fine of not less than 50,000 Birr and to imprisonment for a term of not less than ten (10) years and not more than twenty(20) years.
- 4. Every person who, promises, offers or gives any bribe to any person appointed to or employed in any public procurement and property administration with intent:
 - (a) to influence the decision or action of that person on any question or matter that is pending, or may be brought before him in his official capacity; or

t) Sameeya khiyaamo la xidhiidha maamulka hantida iyo iibka daw-lada, khiyaamada ku gacansiya ama si uu raali uga noqdo u sa-hla xaaladaha ku habboon khiyaama-da, Marka ay cadaato inuu dambiile yahay waxaa lagu ganaaxi lacag aan ka yarayn 50,000 (konton kun) oo bir iyo xadhig adag oo aan ka yarayn 10 sano kana badnayn 20 sano.

5. Tartame kasta oo si uu faa'iido khaldan u helo haddu dokumanti been abuur ah keeno ama qa-riyo xog ay ahayd inuu shego ama la ogaado inuu tartame kale hoos ula heshiiyay oo tartan been been sameeyay; Marka inuu dambiile ya-hay la xaqiijiyo waxaa lagu xukumayaa lacag ganaax ah oo aan ka yarayn 20,000 (labaatan kun) oo Bir iyo xadhig adag oo aan ka yarayn shan (5) sano kana badnayn toban (10) sano.

Qod 70^{aad}-Awooda soo saarida x/nidaameed iyo awaamiir

1. Si loo dhaqan galiyo bayaankan golaha Kaabin-eetka dawlaada degaan-ku wuxuu soo saari karaa x/nidaameedye.
2. Madax-xafoosedku wuxuu soo saari karaa awaamiir caawiya fulin-ta qodobada bayaankan.
3. Xafiisku (BOFED) wu-xuu soo saridoonaa Ma-anuwalka maamulka hantida iyo iibka dawla-dda, dokumentiga rasm-iga ah ee qandaraaska, iyo foomam kala duwan oo haga maamulka han-tida iyo iibka dawladda oo u sahla siduu u fuln lahaa bayaankan iyo awaamiirta u soo saari-doono madax-xfiisee-dku.

n/ Nidamka ay ka dhacdo ay tahay in ay jirto xidhiidh iyo iibka daw-lada, khiyaamada ku gacansiya ama si uu raali uga noqdo u sa-hla xaaladaha ku habboon khiyaama-da, Marka ay cadaato inuu dambiile yahay waxaa lagu ganaaxi lacag aan ka yarayn 50,000 (konton kun) oo bir iyo xadhig adag oo aan ka yarayn 10 sano kana badnayn 20 sano.

፮/ Nidamka ay ka dhacdo ay tahay in ay jirto xidhiidh iyo iibka daw-lada, khiyaamada ku gacansiya ama si uu raali uga noqdo u sa-hla xaaladaha ku habboon khiyaama-da, Marka ay cadaato inuu dambiile yahay waxaa lagu ganaaxi lacag aan ka yarayn 50,000 (konton kun) oo bir iyo xadhig adag oo aan ka yarayn 10 sano kana badnayn 20 sano.

፪. ፪-315 መመሪያ የማውጣት ሥልጣን

- ፩. ይህን አዋጅ ለማስፈጸም የክልሉ ካቢኔ እንደሚረዳበት ደንብ ሊያውጣ ይችላል።
- ፪. የቢሮው ኃላፊ የዚህን አዋጅ ዓላማዎች ከገብ ለማድረስ እና የአዋጁን ድንጋጌዎች ተገባራዊ ለማድረግ የሚረዱ መመሪያዎችን ሊያውጣ ይችላል።
- ፫. ቢሮው ይህንን አዋጅ እና በቢሮው ኃላፊ የሚያውጣውን የስፈላጭ መመሪያ ተገባራዊ ለማድረግ የሚያስችል የገዥ እና የንብረት ማኑዋል፣ መደብና የጨረታ ሰነድ፣ የገዥ ስፈላጭን እና የንብረት አስተዳደርን የሚመሩ ልዩ ልዩ ቅፅዎችን ያውጣል።

(b) to influence that person to commit, or aid or abet in committing any fraud on the procurement, and property administration or to connive at, collide in or allow or permit any opportunity for the commission of any such fraud; is guilty of an offence and liable on conviction to a fine of not less than Birr50,000 and to rigorous imprisonment for a term of not less than ten(10) years and not more than twenty (20) years,

5. Any candidate who, with the intention of deriving unlawful advantage, presents falsified documentary evidence or conceals any evidence which he should have disclosed or connives at an act of fake competition shall upon conviction be punishable with fine not less than 20,000 Birr and with rigorous imprisonment of not less than 5 years and not more than 10 years.

70. Power to issue Regulation and Directives

1. The Regional Cabinet may, where necessary, issue regulations for the implementation of this Proclamation.
2. The Head of the Bureau may issue directives enabling the realization of the objectives and implementing the provisions of this Proclamation.
3. The Bureau shall issue procurement and property administration manuals, standard bid documents, and forms that are necessary for the implementation of this, public procurement and property Administration, Proclamation and the directive to be issued by the Head of the Bureau.

Qod 71^{aad}-Shurucda aan dhaqan-galka lahayn

1. Bayaankani wuxu badelayaa Bayaankii lambarkiisu tirsigiisu ahaa 60/1999 ee Go'aaminta Nidaamka Iibka Dawladda Degaanka.
2. Sharci, xeer, awaamiir ama qaab-dhaqmeed kasta oo ka hor imanaya arrimaha bayaankan lagu xeriyey malaha dhaqan-gal sharci ah.

Qod 72^{aad}-Mudada dhaqan-galka

Bayaankani wuxuu dhaqangalaya laga bilaabo maalinta Golaha Xil-dhibaanada Deegaannu meel mariyo.

MADAXWE NAHA
KUMEELGAA DHKA DDS

CABDI MAXAMUUD CUMAR

ፎፊ

የተሻሻሉና ተፈጻሚ የማይሆኑ ሕጎች

፩ የሶማሌ ብሔራዊ ክልላዊ መንግስት የመንግስት የግዥ ሥርዓትን ለመወሰን የወጣ ስዋዕት ቁጥር 60/1999 ተሸር በዚህ ስዋዕት ተተክሏል።

፪ ይህን ስዋዕት የሚቃረን ማንኛውም ሕግ፣ ደንብ፣ መመሪያ ወይም የአሰራር ስምድ በዚህ ስዋዕት በተሸሩት ጉዳዮች ላይ ተፈጻሚነት አይኖረውም።

ፎ፪

ስዋዕት የሚፀናበት ጊዜ

ይህ ስዋዕት በክልሉ ም/ቤት ከፀደቀበት ቀን ጀምሮ የፀና ይሆናል።

የሶማሌ ክልላዊ መንግስት ጊዜያዊ ፕሬዝዳንት

አቶ አብዱ መሐመድ አመር

71. Repealed and Non-Applicable Laws

1. Determining the Procedures of Public Procurement Proclamation No 60/1999 is hereby repealed and replaced by this Proclamation.

2. No law, regulations, directives or practices inconsistent with this Proclamation shall have effect with respect to matters provided for in this Proclamation;

72. Effective Date

This Proclamation shall enter into force on the date it is approved in the parliament of Somali Region.

(prov) President, Somali Regional State

ABDI MOHAMMUD OMER