



**DAWLADDA DEEGAANKA SOOMAALIDA**  
**DHOOL GAZETA**  
**Somali Regional State**  
**የሶማሌ ክልላዊ መንግሥት**

Qimaha ያንዱ ዋጋ Unit Price	Dhool Gazeta Waxaa Soo Saara Golaha Xildhibaanada Dawladda Deegaanka Soomaalida	☒ 392
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**BAYAAN TIRSI 196/2012**  
**BAYAANKA DIB LOO HABEEYAY**  
**EE IIBKA IYO MAAMULKA**  
**HANTIDA DAWLADDA**

Maadaama oo ay muhiim noqotay in la yagleelo nidaam iib oo ku salaysan Cadcaadaan, Cadaalad iyo eex la'aan kaasi oo suurto geliya in la hirgeliyo iibka ku kacaya kharash badan kaasi oo taageero ka geysan kara koboca dhaqaalaha guud ee Deegaanka iyo dalkaba waxaa lagama maarmaan noqotay in la aasaaso wakaalad gaar u ah fulinta iibka Dawladda.

Maadaama oo ay lagama maarmaan noqotay in la qeexo waajibaadka iyo xilka wakaalada iibka si loo xaqiijiyo habsami u socodka iyo faa'iidada dhaqaale ee lagahelayo hirgalinta iib wadareedka,

Maadaama oo ay muhiim noqotay in la xaqiijiyo Daryeelka Hantida dawladda ee ay ku baxday miisaaniyada badan waxaa lagama maarmaan loo arkay in la hirgeliyo nidaam suurto gelinaya habsami uga faa'ideysiga hantidan iyo hirgelinta hab maamul 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;

**አዋጅ ቁጥር 196/2012**  
**የተሻሻለው የመንግሥት የግዥ እና**  
**የንብረት አስተዳደር አዋጅ**

የመንግሥት የግዥ ሥርዓት ይበልጥ ግልፅ፣ ቀልጣፋ፣ ፍትሃዊና አድልዎ የሌለበት እንዲሁም ለግዥ የሚውሉ ከፍተኛ የመንግሥት ገንዘብ በተሻለ አኳኋን ቁጠባን እና ውጤታማነትን ማረጋገጥ በሚያስችል ሥርዓት ጥቅም ላይ እንዲውል የመንግሥትን የሚያስፈጸም ራሱን የቻሌ በላሥልጣን መቋቋም አስፈላጊ ሆኖ በመገኘቱ፤

ከጥቅል ግዥ የሚገኘውን አኮኖሚያዊ ጠቀሜታ እና ቀልጣፋ አሰራር ማረጋገጥ የሚያስችል አደረጃጀት እንዲኖር ማድረግ አስፈላጊ በመሆኑ፤

ከፍተኛ ሀብት የሚፈሰስበት የመንግሥት ንብረት ለመንግሥት የተሻለ ጥቅም በሚስገኝ አኳኋን ጥቅም ላይ እንዲውል እና አስተዳደሩም ዘመናዊ እንዲሆን ለማድረግ የሚያስችል የተቀናጀ ሥርዓት ሊዘረጋ እንደሚገባ የታመነበት በመሆኑ፤

የክልሉ ምክር ቤት በተሻሻለው የክልሉ ሕገ-መንግሥት አንቀጽ 49 (3) (1) መሠረት የሚከተለውን አውጃል፡፡

**PROCLAMATION NO. 196/2020**  
**THE REVISED PROCLAMATION**  
**FOR PROCUREMENT AND**  
**PUBLIC PROPERTY**  
**ADMINISTRATION**

**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 it is found essential to Agency that implements public procurement;

**WHEREAS**, it is necessary to ensure that an organization enabling the realization of the economic benefit and efficiency flowing from bulk purchase is 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 state Constitution, it is hereby proclaimed as follows:

**QAYBTA KOOWAAD**  
**QODOBO GUUD**

**1. Ciwaan Gaaban**

Bayaankan waxa loogu yeedhi karaa “Bayaanka dib loo habeeyay ee Iibka iyo Mamulka Hantida Dawlada ee tirsigiisu yahay:196/2012”.

**2. Qeexid**

Hadii aan Haboonaanta ereygu micno kale siin, Bayaankan dhexdiisa:-

1. “**Alaab**” waxa loola jeedaa alaabta Caydhiin, waxyaabaha warshadahu soo saaran, qalabyada kaladuwan sida mashiinada, badeecadaha Adkaha ah, kuwa dareeraha ah ama kuwa qaabka naqaska ah (qaab hawo), Softiweerka kombuterka ee Iibka loogu talagalay, iyo Xoolaha nool; sidoo kale hawlaha rakibaada, dayactirka iyo adeegyada lamidka ah iyo adeegyada kale ee aan qiimuhoodu Ka badneyn qiimaha alaabada ay lasocdaan.
2. “**Adeeg**” waxa loola jeedaa shay kasta Iib loogu tala galay oo ka baxsan shaqooyinka dhismaha, iyo adeegyada latalinta. Waxaana kamid ah dayactirka, waardiga, nadiifinta, korontada, isgaadhsiinta, iyo isticmaalka biyaha.
3. “**Shaqooyinka dhismaha**” waxa loola jeedaa hawlaha laxidhiidha dhismaha, dib u dhiska, casriyaynta, duminta dhismayasha, dayactirka ama cusboonaysiinta, daaraha, jidadka ama Dhismeyaasha kale iyo sidookale hawlaha dheeriga ku ah shaqooyinka dhismaha haddii aanay qiimahoodu ka badnayn shaqooyinkaasi laftooda waxaana kamid ah qandaraasyada nooca dhis-yeelo-kushaqee, dhis-yeelo-ku-shaqee-wareeji iyo dhis-ku-shaqee-wareeji.
4. “**Adeegyada la talinta**” waxa loola jeedaa adeeg kasta oo uu bixinayo aqoonyahan ama aqoonyahano iyo adeeg kasta oo leh dabeecad la talineed, ahna tan ay bixiyaan shakhsiyaadka sharci ahaan xirfad aqooneed u leh arrimaha Daraasadaha, Naqshadaha, diyaarinta iyo habaynta mashaariic gaar ah, la talinta macaamiisha, qabashada tababarada iyo gudbinta aqoonta.

**ክፍል አንድ**  
**ጠቅላላ**

**1. አጭር ርዕስ**

ይህ አዋጅ «የሶማሌ ክልላዊ መንግሥት የተሻሻለው የመንግሥት ግዥና የንብረት አስተዳደር አዋጅ ቁጥር «196/2012» ተብሎ ሊጠቀስ ይችላል።

**2. ትርጓሜ**

የቃሉ አገባብ ሌላ ትርጉም የሚያሰጠው እስካልሆነ ድረስ በዚህ አዋጅ ውስጥ፡-

1. «**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 ከዕቃዎቹ ዋጋ ያልበለጠ ዋጋ ያለው የተከሰተ፣ የትራንስፖርት፣ የጥገናና ሌላ ተመሳሳይ አገልግሎ ይጨምራል፤
2. «**አገልግሎት**» ማለት ከዕቃ፣ ከግንባታ ዘርፍ ሥራ እና ከምክር አገልግሎት ውጪ ያለ ሲሆን፣ የጥገና፣ የጥበቃ፣ የፅዳት አገልግሎት፣ የኤሌክትሪክ ኃይል፣ የቴሌኮሙኒኬሽን እና የውሃ አቅርቦት የመሳሰሉትን ይጨምራል፤
3. «**የግንባታ ዘርፍ ሥራ**» ማለት ከህንፃ፣ ከመንገድ ወይም ከመሠረተ ልማት ሥራ ጋር በተያያዘ የሚከናወን አዲስ 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፣ በባለቤትነት የመያዝ እና የማንቀሳቀስ ውሎችን ይጨምራል፤
4. «**የምክር አገልግሎት**» ማለት አማካሪዎች ያላቸውን ሙያዊ ክህሎት በመጠቀም የሚሰጡት የጥናት፣ የዲዛይን እና ቁጥጥር፣ የተለያዩ ፕሮጀክቶችን የማደራጀት፣ ለደንበኞች ምክር የመስጠት፣ ሥልጠና የመስጠት እና ዕውቀትን የማስተላለፍ የአማካሪነት ባህሪ ያለው የእዕምሮ አገልግሎት ነው፤

**CHAPTER ONE**  
**GENERAL**

**1. Short Title**

This Proclamation may be cited as “The Revised public Procurement and Property Administration Proclamation No. 196/2020”.

**2. Definitions**

In this Proclamation unless the context requires otherwise:

1. «**Goods**» mean raw material, products and 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**» mean any object of procurement other than works, goods and consultancy services: such as maintenance, security, janitorial, electricity, telecommunication and water supply services;
3. «**Works**» mean all work associated with the construction, reconstruction, up grading, 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. «**Consultancy Service**» mean a service of an intellectual and advisory nature provided by consultants using their professional skills to study, design and organize specific projects, advice clients, conduct training and transfer knowledge;

- 5. “**Iib**” waxa loola jeedaa helida lahaanshaha Alaabada, shaqooyinka dhismeyaasha iyo adeegyada la telinta iyo adeegyada kale, kirada ama qaab kasta oo leh dabeecad Heshiis.
- 6. “**Xafiis Dawladeed**” waxa loola jeedaa hay’addaha dawlada deegaanka ee qayb ahaan ama guud ahaan ku shaqeeya miisaaniyada dawladdu u qoondaysa, xarumaha Waxbarashada sare iyo qaybaha kale ee dawleda ee leh qaab –dhismeed dawladeed.
- 7. “**Lacagta dawladda**” waxa loola jeedaa lacagta Khasnadda Dawladda deegaanka looga qoondeeyay xafiis dawladeed, Lacagaha Deeqaha ah ama daymaha lasoo mariyay Dawlada deegaanka ama dakhliga xafiiskaasi si gaar ah u soo saarto.
- 8. “**Iibka Dawlada**” waxa loola jeedaa iibka ay Xafiisyada dawladdu u adeegsadaan lacagta dawleda.
- 9. “**Alaabkeene**” waxaa loola jeedaa shaqsi ama shirkad shati haysata oo kula heshiyyay xafiis dawladeed inuu qalab u keeno, adeeg u fuliyo, ama howl dhismo u qabto.
- 10. “**Kaqaybgale**” waxaa loola jeedaa shaqsi ama shirkad shati haysata oo lagu marti-qaaday inuu ka qayb galo tartanka iib dawladeed, ama isagu raba inuu ka qayb galo.
- 11. “**Tartame**” waxaa loola jeedaa shaqsi ama shirkad shati haysata oo soo gudbisatay rabitaanka kaga qayb-galka tartanka.
- 12. “**Dokumantiga tartanka**” waxaa loola jeedaa dokumentiga xafiis Dawladeed diyaariyo ee loo adeegsado tartanka iibka, kaasi oo ay ku cadahay faahfahinta nooca alaabta la rabo.
- 13. “**Soo jeedinta 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.

- 5. «**ግዥ**» ማለት ዕቃዎችን፣ የግንባታ ዘርፍ ሥራዎችን እና አገልግሎቶችን በግዥ፣ በኪራይ ወይም በማናቸውም ሌላ ተመሳሳይ ውል ማግኘት ነው።
- 6. «**የመንግሥት መሥሪያ ቤት**» ማለት ሙሉ በሙሉ ወይም በከፊል ፌዴራል መንግሥት በጀት የሚተዳደር የመንግሥት መሥሪያ ቤት፣ ከፍተኛ የትምህርት ተቋም እና ተመሳሳይ አቋም ያለው አካል ነው።
- 7. «**የመንግሥት ገንዘብ**» ማለት ከክልሉ መንግሥት ግምጃ ቤት ወይም የክልሉ መንግሥት ካገኘው የውጭ ዕርዳታና ብድር ለመንግሥት መሥሪያ ቤት የተመደበ ገንዘብ ወይም የመሥሪያ ቤቱ የውስጥ ገቢ ነው።
- 8. «**የመንግሥት ግዥ**» ማለት በመንግሥት መሥሪያ ቤት በመንግሥት ገንዘብ የሚከናወን ግዥ ነው።
- 9. «**አቅራቢ**» ማለት ለመንግሥት መሥሪያ ቤት እቃ ወይም አገልግሎት ለማቅረብ ወይም የግንባታ ዘርፍ ሥራ ለማከናወን ውል የገባ ሰው ወይም ድርጅት ነው።
- 10. «**ዕጩ ተወዳዳሪ**» ማለት በመንግሥት ግዥ እንዲሳተፍ የተጋበዘ ወይም ለመካፈል ያመለከተ ሰው ወይም ድርጅት ነው።
- 11. «**ተጫራች**» ማለት የመጫራቻ ሀሳብ ያቀረበ ሰው ነው።
- 12. «**የጨረታ ሰነድ**» ማለት ዕጩ ተወዳዳሪዎች የመጫራቻ ሰነድ ለማዘጋጀት እንዲችሉ በመንግሥት መሥሪያ ቤት የሚዘጋጅ ዝርዝር የግዥ ፍላጎትን የሚገልፅ ሰነድ ነው።
- 13. «**የመጫራቻ ሰነድ**» ማለት የመንግሥት መሥሪያ ቤቱ ለግዥው ባዘጋጀው የጨረታ ሰነድ መሻሻላት ተጫራች በግዥው ለመሳተፍ የሚያቀርበው ሰነድ ነው።

- 5. «**Procurement** » mean obtaining goods, works, consultancy or other services through purchasing, hiring or obtaining by any other contractual means;
- 6. «**Public Body** » mean any public body, which is partly or wholly financed by the Regional State Government budget, higher education institutions and public institutions of like nature;
- 7. «**Public Fund** » mean any monetary resource appropriated to a public body from the Regional State Government treasury or aid grants and credits put at the disposal of the public bodies by foreign donors through the Regional State Government or internal revenue of the public body;
- 8. «**Public Procurement** » mean procurement by a public body using public fund;
- 9. «**Supplier** » mean a natural or juridical person under contract with a public body to supply goods, works or services;
- 10. «**Candidate** » mean a natural or juridical person invited to take part in public procurement or seeking to be so invited;
- 11. «**Bidder** » mean a natural or juridical person submitting a bid;
- 12. « **Bidding Documents** » mean 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**» mean 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. “**Awaamiirta iibka**” waxa loola jeeda awaamiirta uu Madaxa xafiisku soo saari doono si loo meelmariyo qodobadaa bayaankan.
- 15. “**Xafiisa ama madaxa xafiiska**” waxa loola jeedaa xafiiska maaliyada iyo Madax-xafiiseedkiisa siday u kala horeeyaan.
- 16. “**Damaanadda iibka**” waxa loola jeedaa cadadka lacageed ee tartamaha laga rabo inuu dammaanad ahaan u dhigo si uu uga qayb-galo tartanka.
- 17. “**Shaqsi**” waxa loola jeedaa Qofka Bani aadamka ah iyo waxkasta oo sharcigu u aqoonsaday Qof ahaan.
- 18. “**Iib Gaar ah**” waxaa loola jeedaa iibka xadigiisu badan yahay oo Iskuduub ahaan loogu fuliyo goaanka Madaxa Xafiiska kuna salaysan muhiimada iibkaasi degaanka u leedahay ama fulinta baahida Xafiisyada kaladuwan ee degaanka ama baahida hal xafiis oo muda xadidan ah.
- 19. “**Heshiis Guud**” waxaa loola jeedaa heshiis guud oo iib kuna cad yihiin qiimaha gaarka ah ee alaabta iyo shuruudo kale oo qandaraas, kuwaasi oo sal looga dhigi doono alaabta la keeni doono xafisyada iyadoo lagu xusi doono heshiisyo kala gaar gaar ah.
- 20. “**Heshiiska Guud ee iibiyaha**” waxaa loola jeedaa alaab-keene ku galay qandaraas inuu mustaqbalka ku keeno alaab ama ku fuliyo adeeg ku salaysan heshiiska iib-duleedka.
- 21. “**Guddiga**” Waxaa loola jeedaa Golaha lagu aasaasay Bayaankan inuu hubiyo kana goaan gaadho cabashooyinka tartamayaahsa ee iibka iyo wareejinta hantidda duugga ah ee Dawladda Deegaanka.

- 14. «**የግዥ መመሪያ**» ማለት በዚህ አዋጅ መሠረት በቢሮው ኃላፊ የሚወጣ መመሪያ ነው፤
- 15. «**ቢሮ እና ቢሮ ኃላፊ** » ማለት እንደቅደም ተከተሉ የፋይናንስ ቢሮ እና ቢሮ ኃላፊ ነው፤
- 16. «**የጨረታ ማስከበሪያ**» ማለት ተጫራቶች ጨረታውን ለማስተፋ እንዲያቀርቡ የሚፈለግበት የገንዘብ መጠን ነው፤
- 17. «**ሰው**» ማለት የተፈጥሮ ሰው ወይም በሕግ የሰውነት መብት የተሰጠው አካል ነው፤
- 18. «**ልዩ ግዥ**» ማለት አገራዊ ጠቁሜታ ያላቸው በመሆኑ ምክንያት በቢሮው ኃላፊ ውሳኔ በጥቅል የሚፈጸሙ ከፍተኛ ግዥዎች ወይም የመንግሥት መሥሪያ ቤቶች ያላቸውን ተመሳሳይ የግዥ ፍላጎት እንዲሁም አንድ የመንግሥት መሥሪያ ቤት በተወሰነ ጊዜ ውስጥ በተደጋጋሚ የሚኖረውን የግዥ ፍላጎት ለማሟላት የሚፈጸም ግዥ ነው፤
- 19. «**የማዕቀፍ ስምምነት**» ማለት ወደፊት የሚፈጸም ዝርዝር ውል ለሚከናወን አቅርቦት መሠረት በመሆን የሚያገለግል፣ በነጠላ ዋጋ እና በሌሎች የውል ሁኔታዎች ላይ በመመስረት የተፈጸመ አጠቃላይ የሆነ የግዥ ስምምነት ነው፤
- 20. «**የማዕቀፍ ስምምነት አቅራቢ**» ማለት የማዕቀፍ ስምምነት ዕቃ ወይም ሌሎች አገልግሎቶች ለማቅረብ ውል የገባ አቅራቢ ነው፤
- 21. «**ቦርድ**» ማለት በክልሉ መንግሥት የግዥ አፈፃፀም እና የንብረት አወጋገድ ሂደት ላይ በዕጩ ተወዳዳሪዎች የሚቀርቡን አቤቱታ መርምሮ ውሳኔ እንዲሰጥ በዚህ አዋጅ የተቋቋመው አካል ነው፤

- 14. «**Procurement Directive** » mean the directive to be issued by the Bureau head in accordance with this Proclamation;
- 15. «**Bureau or Bureau Head**» mean the Bureau of Finance and Head of the Bureau respectively;
- 16. “**Bid Security** ” mean an amount required from the bidder to deposit as bid security for accompany the bidding process.
- 17. «**Person** » mean a natural or juridical person;
- 18. «**Special Procurement**» mean a procurement of sizable volume carried out in bulk by a decision of the Bureau head on account of the national 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;
- 19. «**Framework Contract**» mean a general 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;
- 20. «**Framework Contract Supplier**» mean a supplier who has entered in to a contractual obligation to supply goods or services under a framework contract;
- 21. «**Board**» mean 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;

- 22. **“Hanti Dawladeed”** waxaa loola jeedaa Hantikasta oo Dawlada Degaanka Soomaalidu leedahay marka laga reebo Dhulka iyo Lacagta Dawladda.
- 23. **“Mas’uuliyadda gacan kuhaynta”** waxaa loola jeedaa mas’uuliyadda Madaxa xafiiska dawladda ama cid uu wakiishay u xil saarto qof shaqaale dawladeed ah ilaalinta iyo xafidaadda hantida dawladda ilaa iyo inta si kale loo maareynayo ama diiwaanka 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 xadidi doono Awaamiirta Iibka Dawladda ee uu soo saaridoono madaxa xafiisku, taas oo hawlgal ah (shaqaynaysa) cimrigeeda wax ku oolka ahina uu ka badan yahay hal sano, waxaana kamid ah Qalabka xafiiska, Koombutarada, Mishiinada waawayn, Gaadidka, Maraakiibta iyo Diyaaradaha, Dhismaha, Jidadka, Buundooyinka Biyaxidheenada, Qalabka waraabka, iwm.
- 25. **“Hab cimriyeedka alaabta”** waxaa loola jeedaa habka xakamaynta iyo maaraynta 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.
- 26. **“Alaabta Isticmaalka ku dhamaada”** Waxaa loola jeedaa, marka laga reebo Hantida maguurtada ah, Hantikasta oo dawladu leedahay oo isticmaalkeedu ku dhamaado hal sano, taasi oo qiimaheeda lagu xadidi doono Awaamiirta uu soo saari doono Madaxa Xafiisku.

- 22. **«የመንግሥት ንብረት»** ማለት ከመንግሥት ገንዘብ እና መሬት በስተቀር የክልሉ መንግሥት ሐብት የሆነ ማናቸውም ንብረት ነው።
- 23. **«የጥበቃ ኃላፊነት»** ማለት በመንግሥት መሥሪያ ቤት የበላይ ኃላፊ ወይም ኃላፊው በወከለው የሥራ መሪ፣ የመንግሥት ንብረት እስከሚወገድ ወይም ከመዘገብ እስከሚሰረዝ ወይም በሌላ ሠራተኛ ወይም መሥሪያ ቤት ጥበቃ ሥር እንዲውል እስከሚተላለፍ ድረስ የመንግሥት ንብረት ለመያዝና ለመጠበቅ፣ ለመንግሥት ሠራተኛ የሚሰጥ ኃላፊነት ነው።
- 24. **«ቋሚ ንብረት»** ማለት ግዙፋዊ ሀልዎት ያለው፣ የተናጠል ዋጋው የቢሮው ኃላፊው 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፣ የፍሳሽ መስመር፣ ድልድይ፣ መስኖ እና ግድብ የመሳሰሉትን ይጨምራል።
- 25. **«የሀይወት ዘመን ሥርዓት»** ማለት ከመንግሥት ንብረት ጋር የተያያዙ ተግባሮች እና ወጪዎችን የማቀድ፣ የመያዝ፣ የመረከብ፣ የመጠቀም፣ የጥገና፣ የፍጆታ ወይም የማስወገድ ወይም ከመዘገብ የመሠረዝ ተግባራትን ከግምት ውስጥ በማስገባት የመንግሥት ንብረት አስተዳደር እና ቁጥጥር ብቃት ባለው መንገድ እንዲመራ ለማድረግ የሚያስችል ሥርዓት ነው።
- 26. **«አላቂ ዕቃ»** ማለት ከቋሚ ዕቃ ውጪ የሆነ ማናቸውም የመንግሥት ንብረት ሲሆን፣ ጥቅም ላይ መዋል ከጀመረበት ጊዜ አንስቶ እስከ አንድ ዓመት አገልግሎት ሊሰጥ የሚችል እና ዋጋው የቢሮው ኃላፊ በሚያወጣው መመሪያ የሚወሰን ንብረት ነው።

- 22. **«Public Property»** mean any property of the Regional Government other than public fund And land;
- 23. **«Custodial Responsibility»** mean 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;
- 24. **«Fixed Asset»** mean tangible asset the value of which is determined by a directive to be Issued by the Bureau head, that is in operational use and that has a useful economic life of more than one year, such as furniture, computers, heavy equipment, vehicles, and ships And aircraft, buildings, roads, sewers, bridges, irrigation systems, dam and the like;
- 25. **«Life- Time Approach»** mean 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;
- 26. **«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 Bureau Head;

- 27. **“Kuwareejinta cidkale”** waxaa loola jeedaa wareejinta hanti dawaldeen loogu wareejiyo qof kale iib ahaan ama siyaabo kale, ama in lagubo ama la aaso ayadoo loola jeedo in la isdhaafiyoo hantidassi ama qalabkaasi laga maarmay.
- 28. **“Wadaaga dawladda iyo Shirkadaha gaarka loo leeyahay”** waxaa loola jeedaa maalgalin lagu fuliyo ka qaybgalka hayadaha gaarka loo leeyahay iyadoo heshiis cad ay wada galayaan xafiiska Dawlada iyo Shirkad gaar loo leeyahay, iyadoo wakiilku:
  - b) Fulinayo ama hirgalinayo mashruuc dhisme ama adeeg ama wakiilasho kiro
  - t) Uu masuul ka noqonayo khatarta maaliyadeed, farsamo iyo hawlgalined ee la xidhiidha fulinta shqo dawladdu leedahay ama isticmaalka hanti dawladeed.
  - j) Ka helayo shaqada dawladda ee uu qabanayo ama hantida dawladda ee uu hawlgalinayo lacag khidmad ah oo uu ka qaadayo dawladda ama dadwaynaha loo adeegayo oo la saarayo lacag ama labada noocba.
- 29. **“Wakiil”** waxaa loola jeedaa qofka heshiis la galay Xafiis dawladeed marka uu jiro heshiiska wadaaga ah ee u dhexeeya shirkadaha Dawlada iyo Shirkadaha gaarka loo leeyahay.
- 30. **“Dawladda ama Xafiis Dawladeed”** waxa loola jeedaa Dawladda Deegaanka Soomaalida iyo Xafiisyada Dawladda Deegaanka siday u kala horeeyaan.
- 3. **Xadka fulineed ee bayaanka**
  - 1. Bayaankani wuxuu dhaqangal ku yahay dhamaan iibka iyo Maamulka Hantida Dawladda Deegaanka.
  - 2. Isagoo arrimaha ku xusan farqada laad ee qodobkan sidiisa yahay, Bayaankani saamayn kuma yeelanayo heshiisyada iibka xafiis dawladeed lagalo xafiis kale oo dawladu leedahay si uu ugu keeno Qalab, ama ugu qabto shaqo dhisme, ama uga helo adeeg latalineed ama adeegyo kale.

- 27. **«የመንግሥት»** ማለት የመንግሥትን ንብረት በሽያጭ ወይም በዝውውር ለሌላ ወገን ማስተላለፍ ወይም መቅበር ወይም ማቃጠል ነው።
- 28. **«የመንግሥትና የግል ሽርክና»** ማለት በመንግሥት መሥሪያ ቤት እና በግል ባለሀብት መካከል በሚደረግ ውል በግሉ ባለሀብት ተሳትፎ የሚደረግ ኢንቨስትመንት ሲሆን ኮንሴሽነር ተብሎ የሚታወቀው የግል ባለሀብት፡-
  - ሀ/ የግንባታ ፕሮጀክቶችን ወይም አገልግሎቶችን ወይም በኮንሴሽን ኪራይ የሚሰጡ ሥራዎችን ለማከናወን ግዴታ የሚገባበት፤
  - ለ/ የመንግሥት ተግባር የሆኑ ሥራዎችን ከማከናወን ወይም የመንግሥትን ንብረት ሥራ ላይ ከማዋል ጋር በተያያዘ በፋይናንስ፣ በቴክኒክ እና በሥራ እንቅስቃሴ ረገድ የሚኖሩ ኃላፊዎችን በአመዛኙ የሚወስድበት፤
  - ሐ/ የመንግሥት ተግባር የሆኑ ሥራዎችን በማከናወን ወይም የመንግሥትን ንብረት ሥራ ላይ በማዋል ለሚሰጠው አገልግሎት ከመንግሥት ክፍያ የሚያገኝበት ወይም በተጠቃሚዎች ላይ ከሚጣል ክፍያ ገቢ የሚሰበስብበት ወይም በሁለቱም መንገዶች ለአገልግሎቱ ክፍያ የሚያገኝበት፤ ውል ነው።
- 29. **«ኮንሴሽነር»** ማለት ከመንግሥት መሥሪያ ቤት ጋር የመንግሥትና የግል ሽርክና ውል የሚገባ ሰው ነው።
- 30. **«መንግሥት ወይም የመንግሥት መሥሪያ ቤት»** ማለት የሰማሌ ክልላዊ መንግሥት እና የሰማሌ ክልላዊ መንግሥት የመንግሥት መሥሪያ ቤቶች ።
- 3. **የተፈጻሚነት ወሰን**
  - 1. ይህ አዋጅ በማናቸውም የክልሉ መንግሥት ግዥ እና ንብረት አስተዳደር ላይ ተፈጻሚ ይሆናል።
  - 2. በዚህ አንቀጽ ንዑስ አንቀጽ 1/ የተደነገገው ቢኖርም የመንግሥት መሥሪያ ቤቶች ዕቃዎችን የግንባታ ዘርፍ ሥራዎችን፣ የምክርና ሌሎች አገልግሎቶችን ወጪ በመሸፈን ከሌሎች የመንግሥት መሥሪያ ቤቶች ለማግኘት በሚያደርጉት ውል ላይ ይህ አዋጅ ተፈጻሚ አይሆንም።

- 27. **«Disposal»** mean 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;
- 28. **«Public Private Partnership»** mean 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:
  - a) Undertakes to perform or undertake any construction project or service or lease concession;
  - b) Assumes substantial financial, technical and operational risks in connection with the Performance of a public function or use of government property; and
  - c) 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.
- 29. **«Concessionaire»** mean a person who enters into a contract with a public body under a Public private partnership;
- 30. **“Government or Public Bodies”** mean Somali Regional State and public bodies of Somali Regional State respectively.
- 3. **Scope of Application**
  - 1. This Proclamation shall apply to all Regional State Government procurement and property administration.
  - 2. Notwithstanding the provisions of 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. Erevbixinta Jinsiga**

Bayaanka dhexdiisa ereyada loo isticmaalay jinsiga Labka ahi waxay sidoo kale khuseeyaan jinsiga Dhediga ah.

**5. Mabaadi'da Iibka iyo Maamulka Hantida Dawladda**

Marka la fulinayo iibka iyo maamulka Hantida ee Deegaanka waa in loo hogaansamo Mabaadii'dan:

1. Xaqiijinta qiimaha lacagta iyo Tashiilka marka lacagta dawladda loo isticmaalayo Iib.
2. Inaan loo kala takoorin tartamayaasha qabiil, qoomiyad ama arrimo kale oo aan la xidhiidhin kartidooda, marka laga reebo arrimaha uu siinayo tixgalin gaar ah bayaankani.
3. Cad-cadaanta iyo Xaq-soornimada shuruudaha asaaska u ah go'aaminta iibka dawladda iyo go'aanada iibkasta.
4. U qoolanaanta go'aanada la qaato iyo talaabooyinka la fuliyo ee la xidhiidha hawlaha Maamulka iyo Iibka Dawladda.
5. Habsami u isticmaalka iyo Ilaalinta Hantida Dawladda.

**6. Waajibaadvada Caalamiga ah**

1. Heshiisyada caalamiga ah ee dawlada federaalku la gashay Dal ama dalalka shisheeye ama ururada caalamiga ah ama waajibaadyada ka dhashay heshiisyadaasi haddi ay ka hor yimaadaan qodobada bayaanka waxaa dhaqan-gal ah arrimaha ku xusan heshiiska.
2. Heshiiska lagu tilmaamay farqada 1<sup>aad</sup> ee qodobkan marka uu dan u yahay tartameyaasha Itoobiyaanka ah iyo kuwa shisheeye ee dalka deganba waa in Heshiis-bixiyuhu dhokumentiga qandaraaska uu ku qeexo mudnaantaas.

**4. የጾታ አገላለፅ**

በዚህ አዋጅ ውስጥ በወንድ ጾታ የተደነገገው የሴትንም ጾታ ያካትታል፤

**5. የመንግሥት ግዥ እና ንብረት አስተዳደር መርሆች**

የክልሉ መንግሥት ግዥ አፈፃፀም እና የንብረት አስተዳደር የሚከተሉትን መርሆች መሠረት ማድረግ ይኖርበታል:-

1. በግዥ አፈፃፀም ረገድ የመንግሥት ገንዘብ ሊያስገኝ የሚችለውን ጥቅም ማስገኘቱ፤
2. በዚህ አዋጅ በተፈቀደው ልዩ አስተያየት ካልሆነ በስተቀር በዜግነት ወይም ከመወዳደሪያ መስፈርቶች ጋር ባልተያያዙ ሌሎች ምክንያቶች በዕጩ ተወዳዳሪዎች መካከል አድልዎ ያለመደረጉን፤
3. ማናቸውም የግዥ ውሳኔ የሚሰጥበት መስፈርት እና በእያንዳንዱ ግዥ ላይ የሚሰጠው ውሳኔ ጉዳዩ ለሚመለከታቸው ሁሉ ግልፅ እና ፍትሐዊ መሆኑን፤
4. ውሳኔዎች እና የተወሰዱ እርምጃዎች ተጠያቂነት የሚያስከትሉ መሆኑን፤
5. የመንግሥት ንብረት በጥንቃቄ መያዝና ለታለመለት ዓላማ መዋሉን፡፡

**6. ዓለም አቀፍ ግዴታዎች**

1. ይህ አዋጅ የክልሉ መንግሥት ከአንድ ወይም ከአንድ በላይ ከሆኑ መንግሥታት ወይም ከዓለም አቀፍ ድርጅቶች ጋር ባደረገው ወይም በሚያደርገው ስምምነት ወይም ከስምምነቱ ከመነጨ ግዴታ ጋር የማይጣጣም ከሆነ በስምምነቱ የተመለከተው ይፀናል፡፡
2. በዚህ አንቀጽ ንዑስ አንቀጽ /1/ የተመለከተው ስምምነት ለኢትዮጵያ ወይም በኢትዮጵያ ነዋሪ ለሆኑ ተጫራቾች ልዩ አስተያየት የሚፈቅድ በሚሆንበት ጊዜ የመንግሥት መሥሪያ ቤቱ ተፈፃሚ የሚሆነውን ልዩ አስተያየት በጨረታ ሰነድ ውስጥ በግልፅ ማመልከት አለበት፡፡

**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. nondiscrimination 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. 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 State 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. U Fududaynta Bulshada Helitaanka Qoraalada Shuruucda**

Bayaankan iyo Awaamiirta Madax-xafiisku soo saaro iyo sidoo kale dokumantiyada kale ee la xidhiidhta Maamulka Hantida iyo Iibka dawlīga ah, waxaa loo baahanyahy in sida u deg-dega badan looga dhigaa kuwo si fudud dadwaynuhu ku helikaro waana in loo xafido si haboon.

**8. Mas'uuliyadda Madaxa Xafiisyada Dawladda**

- 1. Xafiisyada kala duwan ee deegaanku waxay guud ahaanba mas'uul ka yihiin Iibka ay fuliyaan iyo Hantida ay maamulaanba. Gaar ahaan Madax xafiiseedku waxa uu si gaar ah mas'uul uga noqonayaa arrimahan hoos ku xusan iyo kuwa kale ee lagu xusidoono Awaamiirta uu soo saaridoono Madaxa-xafiisku:
  - b) Inay dhisaan waax xafiiska u qaabilsan arrimaha iibka iyo Maamulka Hantida oo leh shaqaale ku filan.
  - t) Inay dhisaan Guddiga ansixinta Iibka si ay u ansixiyaan Iibka qiimihiisa guud sareeyo. Waxa kale oo haddii loo baahdo uu u dhisi karaa iibka isku-dhafan guddi qiimayneed oo aan joogto ahayn si ay u qiimeeyaan iibka noocan ah.
  - j) Hubinta shaqaalaha iyo masuuliyiinta u xilsaaran Maamulka Hantida iyo Iibka iyo sidoo kale Guddiga ansixinta iibku inay qaateen tababar si ay ugu fududaato fahanka iyo fulinta ujeedada Bayaankan, Awaamiirta loo soo saari hab waafaqsan bayaankan, Buugta tusmada ee Maamulka Hantida iyo Iibka, Dukumentiga caadiga ah ee tartanka, iyo Foomanka kale ee la xidhiidha.
  - x) Xaqiijinta in Iibka xafiisku Qorshaha xafiiska waafaqsanyahay islamarkaana waaafaqsanyahay mabaadii'da Bayaankan lagu xusay.

**7. የግዥ ሰነዶችን ሕዝቡ እንዲወቅ ስለማድረግ**

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

**8. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ ኃላፊነት**

- 1. የመንግሥት መሥሪያ ቤቶች ስለሚያከናውኑት ግዥ እና ስለሚያስተዳድሩት ንብረት ጠቅላላ ኃላፊነት ያለባቸው ሲሆን፣ በተለይም የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ የቢሮው ኃላፊ በሚያወጣው መመሪያ ላይ ከሚገለጹት ዝርዝር ኃላፊነቶች በተጨማሪ የሚከተሉት አጠቃላይ ኃላፊነቶች ይኖሩታል፡-
  - ሀ/ በተገቢው የሰው ኃይል የተሟላ የግዥና ንብረት አስተዳደር የሥራ ተግባራትን የሚያከናውን የሥራ ክፍል ያደራጃል፤
  - ለ/ ከፍተኛ የገንዘብ መጠን ያቸውን ግዥዎች መርምሮ የሚያፀድቅ ኮሚቴ ያቋቁማል፤ ውስብስብ ለሆኑ ግዢዎች ጊዜያዊ የግዥ ገምጋሚ ኮሚቴ ሊያቋቁም ይችላል፤
  - ሐ/ በግዥ እና በንብረት አስተዳደር ሥራ ላይ የሚመደቡ ወይም የተመደቡ ሰራተኞች እንዲሁም የግዥ አፅዳቂ ኮሚቴ አባላት ይህንን አዋጅ፣ የአፈፃፀም መመሪያውን፣ የግዥ ማኑዋል፣ መደበኛ የጨረታ ሰነድ እና ሌሎች ተገቢ ቅጾች ይዘት እና አጠቃቀም እንዲያውቁ ማድረግ የሚያስችል ስልጠና ማግኘታቸውን እና የመንግስት ግዥ እና ንብረት አስተዳደርን ለመፈፀም በቂ ክህሎት ያቸው መሆኑን ያረጋግጣል፤
  - መ/ የመንግሥት ግዥ በአቅድ ላይ የተመሰረተ እና በዚህ አዋጅ የተመለከቱ የግዥ መርሆዎችን የጠበቀ መሆኑን ያረጋግጣል፤

**7. Public Accessibility of Legal Texts**

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

**8. Responsibilities of Heads of Public Bodies**

- 1. 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 Bureau Head, 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 of this Proclamation, the directives to be issued in accordance with 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 xil-gudashada waaxda Maamulka Hantida iyo Iibka dawladda, Guddiga ansixinta Iibka iyo qaybaha kale ee fulinta iibka xidhiidhka la leh.

d) Haddi loo baahdo, inay heshiis lagalaan cid sadexaad oo ka caawisa xafiiska geedisocodka Iibka.

r) Xaqiijinta in hantida Dawladda ee Xafiisku gacanta ku hayoo loo isticmaalo hanaan Tashiilan 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 noqoto mid aan laga sii faa'idaysan Karin.

**9. Xilka iyo Waajibaadka Waaxda Iibka iyo Maamulka Hantida**

Waaxda Iibka ee Xafiisyada dawladda laga dhex dhisayo xilka lagu siiyay awaamiirta iibka iyo faa-faahinta shaqo ee xafiiskiisu u diyaarinayo ka sokow waxay uu leeyahay xilka iyo waajibaadka hoos ku qoran:

b) Inay hawsha iibka dawladda u gudato si xirfad iyo anshax-shaqo ku dheehan yahay.

t) Inay u fuliso iibka dawladda si waafaqsan bayaankan, awaamiirta iibka, dokumentiga rasmiga ah ee tartanka iibka, foomamka iyo Heshiiska iibka.

j) Inuu u xafido iibka kasta xog dhamaystiran sida uu dhigayo Qodobka 21<sup>aad</sup> ee bayaankan.

**10 Xilka iyo Waajibaadka Gudiga ansixinta Iibka**

Guddiga ansixinta iibku wuxuu yeelanayaa waajibaadyada hoos ku xusan:

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

ሠ/ የግዥ የሰራ ክፍል፣ የግዥ አጽዳቂ ኮሚቴ እና ሌሎች ግዥን የመፈጸም ኃላፊነት የተሰጣቸው አካላት ተግባራቸውን በተገቢው ሁኔታ መወጣታቸውን ያረጋግጣል፤

ረ/ እንደ አስፈላጊነቱ የግዥ ስርዓትን የሚያስፈጸሙ ሦስተኛ ወገኖችን ይቀጥራል፤

ሰ/ የመንግሥት ንብረት ኢኮኖሚያዊ እና ውጤታማ በሆነ መንገድ አገልግሎት ላይ መዋሉን ያረጋግጣል፤

ሸ/ በመሥሪያ ቤቱ ሥር የሚገኘው የመንግሥት ንብረት በሚገባ የተመዘገበ እና የክትትል ሥርዓት የተዘረጋለት፣ ተገቢው ጥበቃና እንብካቤ የተደረገለት፣ አገልግሎት የማይሰጥ ሆኖ ሲገኝ በወቅቱ እንዲወገድ መደረጉን ያረጋግጣል፡፡

**9. የመንግሥት ግዥና የንብረት አስተዳደር የሥራ ክፍል ተግባርና ኃላፊነት**

በመንግሥት መሥሪያ ቤቶች ውስጥ የሚቋቋሙ የግዥ ሥራ ክፍል በግዥ መመሪያና በመሥሪያ ቤት በሚዘጋጀው የሥራ ዝርዝር ከሚሰጡት ተግባራት በተጨማሪ የሚከተሉት አጠቃላይ ተግባራት ይኖሩታል፡-

ሀ/ የመንግሥት ግዥን በተሟላ የሙያ ስነምግባር እና ከህሎት ይፈጸማል፤

ለ/ ይህንን አዋጅ፣ የአፈፃፀም መመሪያውን፣ የግዥ ማኑዋል፣ የመደበኛ የጨረታ ሰነድ እና የአፈፃፀም ቅጾችን እና የግዥ ውሉን መሠረት በማድረግ የመንግሥት ግዥን ይፈጸማል፤

ሐ/ በዚህ አዋጅ አንቀፅ 21 በተደነገገው መሰረት ለይ ግዥው የተሟላ መረጃ ይይዛል፤ በተጠየቀ ጊዜም ያቀርባል፡፡

**10. የግዥ አጽዳቂ ኮሚቴ ተግባርና ኃላፊነት**

የግዥ አጽዳቂ ኮሚቴ የሚከተሉት ተግባርና ሃላፊነቶች ይኖሩታል፡-

ሀ/ በግዥ መመሪያው ላይ የተቀመጠው ገደብ እንደተጠበቀ ሆኖ የመንግሥት ግዥ ይህንን አዋጅ፣ የአፈፃፀም መመሪያውን፣ የግዥ ማኑዋል፣ መደበኛ የጨረታ ሰነድ እና ሌሎች ቅጾችን መሠረት በማድረግ የተፈጸመ መሆኑን ያረጋግጣል፤

e) ensure that the procurement department, the procurement endorsing committee and other sections of the public body involved 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 of when it is no longer useful.

**9. Duties and Responsibilities of Procurement and Property Administration Unit**

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 21 of this Proclamation.

**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;

- t) Hubinta iyo ansixinta iibka dawlada iyagoo ilaalinaya xadka lagu jaangooyay awaamiirta iibka.
- j) Inay kala taliyaan mas'uulka xafiiska habkii uu iibka dawladu u noqon laha mid wax ku ool ah.

**11. U Qoolanaanta Masuuliyada**

Shaqaalaha iibka iyo maamulka hantida dawladda, madaxa waaxda, iyo gudiga ansixinta iibka dawlaga ee xafiisyada dawladdu dhamaantood waxay masuul ka yihiin arrimaha ka dhasha talaabooyinka ay qaadaan hab waafaqsan bayaankan iyo awaamiirta iibka ee uu soo saaridoono Madaxa xafiisku.

**QAYBTA LABAAD**

**WAKAALADA IIBKA EE DAWLADA DEEGAANKA SOOMAALIDA**

**12 Aasaasid**

- 1. Waxaa Bayaankan lagu aasaasay Wakaalada Iibka Dawlada Deegaanka soomaalida oo wixii hada ka dambeeya loogu yeedhi doono "Wakaalad" oo ah Wakaalad dawladeed oo madaxbanaan iskeedna u taagan.
- 2. Wakaaladu waxay Hoostegaysaa Xafiiska Maaliyada.

**13. Xarunta Wakaaladda**

Xarunta wakaaladu waa Magaalada Jigjiga, hase ahaatee hadii lagama maar maan ay noqoto waxay Gobalada, Maamulada Magaalooyinka iyo degmooyinka ku yeelan kartaa laamo xafiisyo oo baahida ku xidhan.

**14. Qaab dhimeedka Wakaalada**

Wakaaladu waxay yeelanaysaa Qaabdhimeedkan:

- 1. Maareeyaha Guud iyo ku xigeenka mareeyaha ee wakaalada oo uu magacaabo Madaxwaynuhu.
- 2. Geedisocodyada iyo Shaqaalaha kale ee lagama maarmaanka ah.

ለ/ በግዥ መመሪያው ላይ የተቀመጠው ገደብ መሠረት የጨረታ ወይም የግዥ ግምገማ ሪፖርቶችን መርምሮ ያፀድቃል፤

ሐ/ የመንግሥት ግዥን ውጤታማ ለማድረግ በሚያስችሉ ዘዴዎች ላይ የመንግሥት መሥሪያ ቤቱን የበላይ ሀላፊ ያማክራል።

**11. ተጠያቂነት**

በመንግሥት መሥሪያ ቤት ለግዥ እና ንብረት አስተዳደር ሥራ የተመደቡ ሠራተኞች ወይም የመንግሥት ግዥን እና ንብረትን ለማስተዳደር የተሾሙ ኃላፊዎች፣ የግዥ አፅዳቂ ኮሚቴ አባላቶች በዚህ አዋጅ እና የቢሮው ኃላፊ በሚያወጣቸው መመሪያዎች መሠረት ስለሚወስዷቸው እርምጃዎች ተጠያቂ ይሆናሉ።

**ምዕራፍ ሁለት**

**የመንግሥት ግዥ እና ንብረት አስተዳደር**

**ኤጀንሲ**

**12. የኤጀንሲው መቋቋም**

- 1. የሶማሌ ክልላዊ መንግሥት የመንግሥት ግዥ እና ንብረት አስተዳደር ኤጀንሲ /ከዚህ በኋላ «ኤጀንሲ» እየተባለ የሚጠራ/ ራሱን የቻለና የሕግ ሰውነት ያለው የክልል መንግሥት መሥሪያ ቤት ሆኖ በዚህ አዋጅ እንደገና ተቋቁሟል።
- 2. ኤጀንሲው ተጠሪነቱ ለቢሮው ይሆናል።

**13. ዋና መሥሪያ ቤት**

የኤጀንሲው ዋና መሥሪያ ቤት በጂግጁጋ ከተማ ውስጥ ሆኖ እንደአስፈላጊነቱ በክልሉ ዞኖች፣ ወራዳዎች፣ ከተማ አስተዳደሮች ውስጥ ቅርንጫፍ መስሪያ ቤቶች ሊኖሩት ይችላል።

**14. የኤጀንሲው ድርጅታዊ አቋም**

ኤጀንሲው፡-

- 1. በክልሉ ፕሬዚዳንት የሚሾም አንድ ዋና ዳይሬክተር እና ምክትል ዋና ዳይሬክተር፣
- 2. አስፈላጊ ሠራተኞች ይኖሩታል።

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 Bureau Head.

**CHAPTER TWO**

**THE PUBLIC PROCUREMENT AND PROPERTY ADMINISTRATION AGENCY**

**12. Establishment**

- 1. It is hereby established the Public Procurement and Property Administration Agency (hereinafter referred to as the "Agency") as an autonomous state Government organ having its own juridical personality.
- 2. The Agency shall be accountable to the Bureau.

**13. Head Office**

The head office of the Agency shall be in jigjiga and may have branch offices in Zonal, woredas and urban Administrations as may be necessary.

**14. Organizational setup of the Agency**

The Agency shall have:

- 1. a Director General and deputy director general to be appointed by the state president
- 2. departments and staffs necessary for the work;

**15. Ujeedooyinka Wakaalada**

Wakaaladu waxay yeelanaysaa Ujeedooyinkan hoos ku xusan:

1. Xaqiijinta dhaqangelinta Iib ku salaysan Eex la'aan, tartan xor ah, Takoor la'aan, Tashiil leh iyo hirgelinta nidaamka Maamulka Hantida oo casri ah.
2. Inay dabagal ku samayso in xafiisyada dawlada u hogaansamaan arrimaha lagu xeeriyay Bayaankan markay fulinayaan iibka iyo maamulka hantida.
3. Kobcinta aqoonta iyo awooda iibka iyo maamulka Hantida ee xafiisyada dawlada.
4. Hirgelinta nidaam isku xidhan oo lagu fuliyo iibka iyo maamulka hantida.

**16. Xilka iyo Waajibaadka Wakaalada**

Wakaaladu waxay yeelanaysaa Xilka iyo Waajibaadka hoos ku xusan:

1. Waxay Dawladda degaanka kala talisaa hirgelinta Siyaasadaha iyo Mabaadii'da Iibka iyo Maamulka Hantida islamarkaana ay siiso taageero farsamo.
2. Waxay kormeer iyo dagabal ku samaysaa hanaanka shaqo ee Iibka iyo Maamulka hantida dawlada deegaanka. Soona jeediso waxka bedelada lagu samaynayo shuruucda Iibka iyo maamulka Hantida.
3. Iyadoo la kaashanaysa hay'addaha ay khusayso waxay hubisaa diyaarinta Dhokumentiyada tababarka, kartida, noocyada kartida iyo aqooneed ee loo baahan yahay iyo jihooyinka horumarinta xirfadeed ee iibka iyo Maamulka Hantida dawladda.
4. Waxay diyaarisaa, cusboonaysiisaa, isla markaana soo saarto dhokumentiyada rasmiga ah ee tartanka iibka ee la ogolaaday ku dhaqankooda, foomamka nidaam-shaqeed, iyo dokumentiyada kale ee la xidhiidha fududaynta maamulka hantida iyo Iibka dawladda.

**15. የኤጀንሲው ዓላማዎች**

የኤጀንሲው ዓላማዎች የሚከተሉት ናቸው፡-

1. ፍትሃዊ፣ በውድድር ላይ የተመሠረተ፣ ግልፅ አድልዎ የሌለበት፣ ለመንግሥት ገንዘብ ተመጣጣኙን ዋጋ ማስገኘት የሚያስችል የግዥ አፈፃፀምና ዘመናዊ የመንግሥት ንብረት አስተዳደር መኖሩን ማረጋገጥ፤
2. የመንግሥት መሥሪያ ቤቶች በዚህ አዋጅ የተዘረዘሩትን ጠብቀው መሥራታቸውን መከታተል፤
3. በመንግሥት ውስጥ ያለውን የግዥ አፈፃፀም እና የንብረት አስተዳደር አቅም ማሳደግ፤
4. የተጣጣመ የመንግሥት ግዥና ንብረት አስተዳደር ሥርዓት እንዲኖር ጥረት ማድረግ፤

**16. የኤጀንሲው ተግባሮች**

ኤጀንሲው ከዚህ በታች የተዘረዘሩትን ተግባሮች ያከናውናል፡-

1. በመንግሥት ግዥ እና ንብረት አስተዳደር ፖሊሲዎች፣ መርሆዎችና አፈፃፀሞች ላይ የክልሉ መንግሥትን ማማከርና የቴክኒክ ድጋፍ መስጠት፤
2. በክልሉ መንግሥት ውስጥ ያለውን የመንግሥት ግዥ አፈፃፀም እና የንብረት አስተዳደር ሥርዓት ተግባራዊነት መከታተል፣ ለቢሮው ሪፖርት ማድረግ እና በሕግና በአፈፃፀም ሥርዓቱ ላይ የማሻሻያ ሀሳቦች ማቅረብ፤
3. አግባብነት ካላቸው አካላት ጋር በመተባበር የግዥ እና የንብረት አስተዳደር ሥልጠና እንዲሁም የግዥና የንብረት አስተዳደር አፈፃፀምን ለመምራት የሚያስፈልገው ችሎታ፣ በሙያው ለመሠማራት ተፈላጊ የሆነው ማስረጃ ዓይነት እና የሙያው ዕድገት ሊከተል የሚገባው ሒደት መወሰኑን ማረጋገጥ፤
4. መደበኛ የግዥ ሰነዶች፣ አሰራሩን የሚመሩ ቅጾች እና ሌሎች ለግዥ እና ንብረት አስተዳደር አግባብነት ያላቸውን ሰነዶች ማዘጋጀት፣ ሥራ ላይ እንዲውሉ እና ወቅታዊ እንደሆኑ ማድረግ፤

**15. Objectives of the Agency**

The objectives of the Agency are:

1. ensure the application of fair, competitive, transparent, non-discriminatory and value for money procurement and modern public property administration;
2. follow up compliance of public bodies with the provisions of this Proclamation in conducting procurement and administrator property at their disposal;
3. build the capacity of procurement and property administration within the regional Government;
4. work for the prevalence of uniform and consistent system of public procurement and property administration at national level;

**16. Powers and duties of the Agency**

The Functions of the Agency are to:

1. advise the state Government on all public procurement and property administration policies, principles and implementation and provide technical assistance;
2. monitor and report to the bureau the performance of the public procurement and property administration systems in the state 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. Waxay dib u eegis ku samaysaa go'aanna ka gaadhaa codsiyada xafiisyada dawladda uga yimaada ee ujeedadoodu tahay inay iibka u fuliyaan hab ka duwan nidaamka loo dajiyay iibka, dhokumentiyada rasmiga ah ee tartanka iibka, foomamka nidaam- shaqeed, iyo dokumentiyada kale la xidhiidha fulinta iibka. ama isticmaalaan hab ka duwan kan sharcigu ogol yahay in loo wareejiyo hantida dawladu ka maarantay.
- 6. Waxay hirgelisaa nidaam hufan oo lagu diiwaangeliyo iibiyaasha danaynaya inay ka qaybqaataan iibka dawladda; islamarkaana qaabishaa, hubisaa, una diwaangalisaa codsiyada ay tartamayaashu u soo dhaweeystaan si ay ugu biiraan liiska alaab-keenayaasha ee iibka dawleda waxayna qaybisaa liiska alaab-keenayaasha diwaangashan.
- 7. Waxay hubisaa oo uu go'aan ka gaadhaa cabashooyinka xafiisyada dawladdu ay kasoo gudbiyaan alaab keenayaasha iyo tartamayaasha, isla markaasina gaadhsiisaa cidda ay khusayso nuqulka go'aankooda.
- 8. Waxay xafidaa islamarkaasina faafisaa liistada ay ku qoran yihiin alaabkeenayaasha sida xun u dayacay ee fulin waayay waajibaadkii 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 qodobka 30 (2) darteed ay wakaaladu uga joojiyay ka qayb-galka tartamada iibka dawladda.
- 9. Waxay samaysaa baadhis hantidhawr si ay xaqiijiso in shaqooyinka iibka iyo maamulka hantida dawladda ee xafiisyada dawladdu u fuleen si waafaqsan bayaankan iyo dokumentiyada kale ee loo soo saaray iibka iyo maamulka hantida dawladdu.

- 5. hተፈቀዱ መደበኛ የግዥ ዘዴዎች፣ ሰነዶች፣ አሰራሩን ከሚመሩ ቅጾች እና ሌሎች ለግዥ አፈፃፀም አግባብነት ካላቸው ሰነዶች ውጪ ግዥ ለመፈፀም ወይም ከተፈቀዱ የንብረት አወጋገድ ሥርዓቶችና ስልቶች ውጭ ንብረት ለማስወገድ በመንግሥት መሰሪያ ቤቶች ጥያቄ ሲቀርብለት ጥያቄውን መርምሮ ውሳኔ መስጠት፤
- 6. በመንግሥት ግዥ ለመሳተፍ ፍላጎት ያላቸው አቅራቢዎች የሚመዘገቡበትን የተቀላጠፈ ሥርዓት መዘርጋት፣ በአቅራቢዎች ዝርዝር ውስጥ ለመመዘገብ የሚቀርቡ ማመልከቻዎችን መቀበል፣ መመርመር እና መመዘገብ፣ እና የምዝገባውን ዝርዝር ማሰራጨት፤
- 7. በዕጩ ተወዳዳሪዎችና በአቅራቢዎች ላይ የመንግሥት መሥሪያ ቤች የሚያቀርቧቸውን አቤቱታዎች መርምሮ ውሳኔ መስጠት፣ የውሳኔውን ቅጂ ለሚመለከታቸው ማሰራጨት፤
- 8. ከመንግሥት መሥሪያ ቤቶች ጋር ባደረጉት የግዥ ውል መሠረት ግዴታቸውን ባለመወጣታቸው፣ ስለብቃታቸው ሀሰተኛ መረጃ በማቅረባቸው ወይም በዚህ አዋጅ አንቀጽ 30/2/ የተዘረዘሩትን ድርጊቶች በመፈፀማቸው ምክንያት ኤጀንሲው በመንግሥት ግዥ አፈፃፀም እንዳይሳተፉ ያገዳቸውን አቅራቢዎች ዝርዝር መያዝና ማሠራጨት፤
- 9. የግዥ አፈፃፀም እና የንብረት አስተዳደር ተግባራት ይህንን አዋጅ እና ሌሎች የመንግሥት ግዥ እና ንብረት አስተዳደር የሚመራባቸውን ሰነዶችን ጠብቀው የተከናወኑ መሆኑን ለማረጋገጥ የግዥ ኤዲት ማድረግ፤

- 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. 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 30(2) of this Proclamation 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. Waxay aasaastaa, kobcisaa, islamarkaana xafidaa xarun xog-ururineed oo loo isticmaalo Iibka iyo maamulka hantida dawladda.
- 11. Waxay dejisaa nidaam iyo qorshe suurto-gelin Kara sidii loo kobcin lahaa awooda fulineed ee hay'adeed iyo mida shaqaaleba ee Xafiisyada Dawlada si ay habsami ugu gutaan waajibaadyada iibka iyo maamulka hantida.
- 12. Waxay dhistaa, horumarisaa islamarkaana xoojisaa xidhiidhka ka dhaxeeya hay'adaha danaha xirfadeed iyo kuwa kaleba ka leh arrimaha Iibka iyo maamulka hantida dawladda.
- 13. Waxay hirgelisaa daraasaadka meel marinta iibka dawlada iyo maamulka hantida waxayna xidhiidh wada shaqeyneed la yeelankartaa cidaha ay khusayso.
- 14. Waxay xaqiijisaa meel marinta ku dhaqanka dhammaan qodobada bayaankan, xeer-nidaameedka iyo awaamiirta loo soo saaro hab waafaqsan bayaankan iyo shaqooyinka kale ee Dawladdu u xilsaarto.
- 15. Iyadoo ka duulaya warbixinaha ay u soo gudbiyaan xafiisyada dawladdu isla markaasina u diyaarinaya hab koobaya nooca iyo baaxada iibka dawladda ee xafiis walba fuliyay, iyo waliba arrimaha la xidhiidha maamulka hantida Waxay diyaarin warbixin saddex-biloodle ah iyo mid sannadeed ah kuwaasi oo ku saabsan hawl-galka guud ahaaneed ee nidaamka Iibka iyo maamulka hantida dawlada una Gudbisaa Xafiiska,.

- 10. ለግዥ አፈጻጸም እና ንብረት አስተዳደር የሚያገለግል የመረጃ ማሰራጨጫ እና ክምችት ማቋቋም፣ ማጎልበት፣ መጠበቅ እና ወቅታዊነቱ የተጠበቀ እንዲሆን ማድረግ፤
- 11. የተቋም እና የሰው ኃይል አቅም ለማጎልበት የሚያስችል የአቅም ግንባታ ፖሊሲና ዕቅድ እንዲኖር ማድረግ፤
- 12. የሙያና ከሙያ ጋር በተያያዙ አግባብነት ባላቸው ጉዳዮች ላይ የተሰማሩ ሆነው በመንግሥት ግዥ እና ንብረት አስተዳደር ለመሳተፍ ፍላጎት ካላቸው አካላት ጋር ተቋማዊ ግንኙነት መፍጠር እና ማዳበር፤
- 13. ስለመንግሥት ግዥ አፈጻጸም እና ንብረት አስተዳደር ጥናት ማካሄድ፣ የአቅም ግንባታ ትብብር እንዲኖር ማድረግ፤
- 14. ይህ አዋጅና በአዋጁ መሰረት የሚወጡ ደንቦችና መመሪያዎች እንዲሁም በቢሮው የተሰጡት ሌሎች ተግባሮች በትክክል ሥራ ላይ መዋላቸውን ማረጋገጥ፤
- 15. ከመንግሥት መስሪያ ቤቶች የሚቀርብለትን መረጃ መሠረት በማድረግ የመንግሥት ግዥ እና ንብረት አስተዳደር ሥርዓት በሚገባ የሚሰራ ስለመሆኑ ለቢሮው የሩብ ዓመትና ዓመታዊ ሪፖርት ማቅረብ፣ ቢሮው በሚጠይቀው ዝርዝር መሠረት በእያንዳንዱ የመንግሥት መሥሪያ ቤት ስለተከናወነው ግዥ ዓይነት እና መጠን እንዲሁም ንብረት አስተዳደር ጉዳዮች ልዩ መረጃዎችን መስጠት፤

- 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 to be issued in accordance with this Proclamation and other functions given to it by the Bureau head;
- 15. submit quarterly and annually report to 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 Minister may request regarding the nature and volume of public procurement handled by each entity; as well as on matters of property administration;

16. Waxay taageero xafiis iyo mid farsamoba siisaa guddiga bayaankani u dhisay inay hubiyaan cabashooyinka tartamayaasha Iibka dawladda iyo wareejinta hantida duuga ah ee dawladdu ka maaranto, waxayna dabagal ku samaysaa fulitaanka go'amada guddiga.

17. Waxay ka hor istaagtaa inay ka qaybgalaan Iibka ay fulinayaan xafiisyada dawladda deegaanku tartamayaasha iyo alaabkeenayaasha ay ka mamnuuceen laamaha dawladda federaalka ee awooda u lehi qaadashada iibka dawladda Federaalka.

18. Waxay soo saartaa Habraacyo dejinaya Halbeegyada lagu ilaalinayo hantidda joogtada ah ee ay xafiisyada dawladdu adeegsadaan.

19. Waxay dalban kartaa helitaanka xogta, qoraalada (dukumentiyada), diiwaanada iyo warbixino ku aadan geedi-socodka nidaamka iibka dawlaga ah marka xafiisyada dawladda ama alaabkeenaha lagu soo eeddeeyo ama laguba cadeeyo khaladaad, xad-gudubyo, maamul xumo iyo eex sharci daro ah.

20. Waxay u yeedhi kartaa markhaatiyo, isla markaana codsan kartaa in la soo dhaweeyo diwaanada xisaabaadka, qorsheyaasha, qoraalada (dukumentiyada), oo baadhis sameeyaa isagoo markhaatiyada iyo dhinacyada ay khusayso dhaarinaya.

21. Waxay siin kartaa digniin, ama uu ka joojin kartaa ka qayb qaadashada tartannada iib mudo xaddidan ama aan xaddidnayn tartamayaasha, alaabkeenayaasha, ama shaqsiyaadka kale ee ku lug yeesha khaarajinta/wareejinta alaabta/hantida dawladdu ka maarantay marku ku cadeeyo inay qiime ka sareeya kan suuqa soo dhaweeyeen ama ay galeen falal ka hor imanaya bayaankan iyo awaamiirta u soo saaro Madax-xafiiseedku.

16. በዚህ አዋጅ በመንግስት ግዥ አፈጻጸምና ንብረት አወጋገድ ላይ በእጩ ተወዳዳሪዎች የሚቀርቡ አቤቱታዎችን እንዲያይ ለተቋቋሙ ውሳኔ ሰጪ ቦርድ የጽህፈት ቤትና የቴክኒክ ድጋፍ አገልግሎት መስጠትና የቦርዱን ውሳኔዎች ተግባራዊነት መከታተል፤

17. አግባብነት ባላቸው የብሔራዊ ከላዊ መንግስታት አካላት በክልሉ የመንግስት ግዥ አፈጻጸም ላይ እንዳይሳተፍ የታገደ ዕጩ ተወዳዳሪ ወይም አቅራቢ በፌዴራል መንግሥት መሥሪያ ቤቶች ግዥ እንዳይሳተፍ ማድረግ፤

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

19. ማናቸውም የመንግሥት መሥሪያ ቤት ወይም አቅራቢ ሕግ ከሚያዘው ውጪ ስለመፈፀሙ፤ ግዥ በትክክል ስላለማከናወኑ፤ የግዥውን አሰራር በትክክል ስላለ መፈፀሙ ወይም ስለመመሰጠሩ ጥቆማ የቀረበ እንደሆነ ከግዥው አፈፃፀም ጋር የተያያዙ መረጃዎች፤ ሰነዶች፤ መዝገቦች እና ሪፖርቶች እንዲቀርቡለት የማዘዝ፤

20. ምስክሮችን የመጥራት፤ ምስክሮችን ግዥው የሚመለከታቸው ወገኖች ቃላቸውን በመሀል እንዲሰጡ የማድረግ፤ የሂሳብ መዝገብ፤ ፕላን፤ ሰነድ እንዲቀርብለት የማድረግ፤

21. ከገበያ ጋር የማይጣጣም ዋጋ በሚያቀርቡ እና ሌሎችንም የዚህን አዋጅ እና በቢሮ ኃላፊው የሚወጣውን መመሪያ ድንጋጌዎች የሚቃረኑ ተግባራት የሚፈፀሙ ዕጩ ተወዳዳሪዎች፤ አቅራቢዎች ወይም በመንግሥት ንብረት ማስወገድ ሂደት ተሳታፊዎች ላይ በቀረበ አቤቱታ መገኘት ማስጠንቀቂያ የመስጠት፤ ለተወሰነ ወይም ላልተወሰነ ጊዜ በመንግስት ግዥ ወይም የንብረት ማስወገድ ሂደት እንዳይሳተፉ የማገድ፤

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 a regional Government, from participating on procurements of such region, not to participate in procurements of federal public bodies;

18. Set a standard for major items of public bodies representing important fixed assets and follow-up adherence to such standards.

19. 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;

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

21. 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 to be issued by the Bureau Head;

22. Waxay fulin kartaa baadhitaan hantidhawr hawlaheeda ama waxay amri kartaa in hantidhawr baadho hayadaha dawlada marka ay soo gaadho xog sheegaysa in la sameeyay khaladaad keeni kara in baadhitaankan lagu sameeyo geedi-socodka maamulka hantida iyo iibka dawladda

23. Waxay ogolaan kartaa xafiisyada dawladda inay ku iibsadaan nidaam ka baxsan nidaamyada iibka ee ku xusan bayaankan iyo awaamiirta iibka, markay xaqiijiso inay jiraan sababo macquul ah oo taageeraya codsigooda.

**17. Awoodaha iyo Waajibaadka Maareeyaha Wakaaladda**

1. Maareeyaha guud waa madaxa ugu sareeya ee Wakaaladda wuxuuna Hagaa, maamulaa islamarkaana kormeeraa shaqooyinka Wakaaladda.

2. Iyadoo aan la koobayn guud ahaanta farqada laad ee qodobkan ayaa:

b) Wuxuu hirgaliyaa awoodaha iyo waajibaadka lagu xusay qodobka 15<sup>aad</sup> ee Bayaankan.

t) Wuxuu hab waafaqsan shuruucda quseeysa ee maamulka shaqaalaha Dawlada ku shaqaaleeyaa, maamulaa, dalacsiiyaa, caydhiyaa shaqaalaha Wakaaladda

j) Wuxuu diyaariyaa barnaamijyada, qorshaha iyo Miisaaniyada Wakaaladda ee lagu fulinayo shaqooyinka una gudbiyaa Qaybaha ay khuseyso, marka loo fasaxana hirgaliyaa.

x) Wuxuu hab waafaqsan qorshaha Wakaaladda ku fasaxaa kharashaadka lacagta lagu fulinayo shaqooyinka sidoo kalana dabagalaa meel marinteeda/ isticmaalkeeda.

Kh) Wuxuu mataala wakaalada marka cid sedexaad heshiis ama cilaqaad shaqo wakaaladdu la yeelanayso.

22. በመንግስት ግዥ እና ንብረት አስተዳደር አፈፃፀም ላይ በራሱ ፕሮግራም ወይም በሚደርሰው ጥቆማ መነሻነት አዲት ማካሔድ ወይም እንዲካሄድ ማድረግ፤

23. በቂ ምክንያት ያለ መሆኑን ሲረዳ በዚህ አዋጅና በግዥ መመሪያው ከተፈቀዱ የግዥ ሥርዓቶች ውጪ ግዢ ለመፈፀም ከመንግስት መሥሪያ ቤቶች በሚቀርቡ ጥያቄዎች መሰረት እንዲፈፀም መፍቀድ፡፡

**17. የዋናው ዳይሬክተር ሥልጣንና ተግባር**

1. ዋናው ዳይሬክተር የኤጀንሲው ዋና ሥራ አስፈፃሚ ሆኖ የኤጀንሲውን ሥራዎች ይመራል፤ ያስተዳድራል፡፡

2. በዚህ አንቀጽ በንዑስ አንቀጽ /1/ የተጠቀሰው ጠቅላላ አነጋገር እንደተጠበቀ ሆነ ዋናው ዳይሬክተር፡-  
ሀ/ በዚህ አዋጅ አንቀጽ 15 የተመለከቱትን የኤጀንሲውን ሥላጣንና ተግባሮች ሥራ ላይ ያውላል፤

ለ/ በመንግሥት ሲቪል ሰርቪስ ሕግ መሠረት የኤጀንሲውን ሠራተኞች ይቀጥራል፤ ያስተዳድራል ያሰናብታል፤

ሐ/ የኤጀንሲውን የሥራ ፕሮግራምና በጀት አዘጋጅቶ ያቀርባል፤ ሲፈቀድም ሥራ ላይ ያውላል፤

መ/ ለኤጀንሲውን የተፈቀደለት በጀትና የስራ ፕሮግራም መሠረት ገንዘብ ወጪ ያደርጋል፤

ሠ/ ከሦስተኛ ወገኖች ጋር በሚደረጉ ግንኙነቶች ሁሉ ኤጀንሲውን ይወክላል፡፡

22. 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;

23. 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.

**17. Powers and Duties of the Director General**

1. The Director General shall be the chief executive officer of the Agency and shall, direct and administer the activities of the Agency.

2. Without prejudice to the generalities of the provisions of sub-article (1) of this Article, the Director General shall:

a) exercise the powers and functions of the Agency specified under Articles 15 of this Proclamation;

b) employ, administer and dismiss personnel of the Agency in accordance with the regional state Civil Service Proclamation;

c) prepare the work program and budget of the Agency and implement the same upon approval;

d) prepare and submit to the bureau operational and financial report on the activities of the Agency;

e) Represent the Agency in all its relations with third parties.

- d) Wuxuu diyaariyaa uu ka warbixiyaa isticmaalka miisaaniyada rubuc kasta oo sanad miisaaniyadeedka islamarkaana u gudbiyaa ciddaha kale ee ay khusaysi.
- 3. Marka ay dar-dargalinta shaqada awgeed lagama maarmaan u noqoto, Madax xafiisku wuxuu awoodaha iyo waajibaadkiisa qaybo kamid ah u wakiilan karaa shaqaalaha iyo mas'uulada kale ee katirsan Wakalaaldda.

**18. Awooda iyo Waajibaadka Kuxigeenka maareevaha guud**

- Kuxigeenka Maareeyaha Guud:
- 1. Waxuu fuliyaa shaqooyinka gaarka ee uu u xilsaaro maareeyaha guud.
  - 2. Wuxuu matalaa maareeyaha guud ee wakaalada marka uu maqan yahay ama uunan shaqada gudan Karin.

**19. Illaha Miisaaniyada Wakaalada**

- Miisaaniyada wakaaladu waxaa laga helayaa illaha maaliyadeed ee kala ah
- 1. Miisaaniyada ay Dawladu u qoondayso.
  - 2. Dakhliyada kale ay ka hesho illaha kala duwan.

**20. Diiwaanada Xisaabaadka Wakaaladda**

- 1. Wakaaladu waxa ay yeelan islamarkaana xafidi diwaano xisaabaad oo sax ah.
- 2. Diwaanada xisaabaadka iyo dhokumeentiyada lacageed ee shirkada waxaa sannad walba baadhis ku sameyn hanti dhowrka guud ama cidda uu hawshaas u wakiisho.

**QAYBTA SADDEXAAD**

**NIDAAMYADA AASAASIGA AH EE IIBKA DAWLADDA**

**21. Qorshaha Iibka**

- 1. Xafiisyada dawladdu waa inay diyaariyaan qorshe sanadeedka Iibka ay fuliyaan sanad miisaaniyadeedka dhexdiisa oo xambaarsan faah-faahinta ku xusan awaamiirta uu soo saaridoono Madaxa xafiisku

ረ). የኤጀንሲውን የሥራ ክንውንና የሂሳብ ሪፖርት አዘጋጅቶ ለሚመለከተው አካል ያቀርባል፤

3. ዋናው ዳይሬክተር ለኤጀንሲው የሥራ ቅልጥፍና በሚያስፈልግ መጠን ሥልጣንና ተግባሩን በከፊል ለኤጀንሲው ሠራተኞች በውክልና ሊያስተላልፍ ይችላል።

**18. ምክትል ዋና ዳይሬክተር ሥልጣንና ተግባር**

- 1. ምክትል ዋና ዳይሬክተሩ ከዋናው ዳይሬክተር የሚሰጡትን ሌሎች ተግባራት ያከናውናል።
- 2. ዋና ዳይሬክተሩ በማይኖርበት ጊዜ ለዋና ዳይሬክተሩ የተሰጡትን ተግባራት ምክትል ዋና ዳይሬክተሩ ያከናውናል።

**19. የባጀት ምንጭ**

የኤጀንሲው ባጀት ከሚከተሉት ምንጮች የሚገኝ ይሆናል፡-

- 1. በመንግሥት የሚመደብ ይሆናል።
- 2. ከሌሎች አካላት የሚገኝ የባጀት ድጎማና ድጋፊ.

**20. የሂሳብ መዛግብት**

- 1. ኤጀንሲው የተሟላና ትክክለኛ የሆኑ የሂሳብ መዛግብት ይይዛል።
- 2. የኤጀንሲው የሂሳብ መዛግብት እና ሌሎች ገንዘብ ነክ ሰነዶች በዋናው አዲተር ወይም በዋናው አዲተር በሚሰየም አዲተር በየዓመቱ ይመረምራሉ።

**ምዕራፍ ሦስት**

**መሠረታዊ የግዥ ድንጋጌዎች**

**21. የግዥ ዕቅድ**

- 1. የመንግሥት መሥሪያ ቤቶች በባጀት ዓመቱ የሚፈፀሙትን ግዥ የሚያሳይ እና የቢሮው ኃላፊው በሚያወጣው መመሪያ ላይ የሚገለጹትን ዝርዝር ጉዳዮች ያካተተ ዓመታዊ የግዥ ዕቅድ ማዘጋጀት ይኖርባቸዋል።

- f) Prepare quarterly budget utilization report and submit to the concerned organs;

3. The Director General may delegate part of his powers and duties to employees of the Agency to the extent necessary for the effective management of the functions of Agency.

**18. Powers and Duties of the Deputy Director General**

- 1. The Deputy Director General performs duties assigned to him Subject to directions by the Director General.
- 2. The Deputy Director General shall act on behalf of the Director General in his absence.

**19. Source of Budget**

- 1. The budget of the Agency shall be allocated by the Government.
- 2. Funds received from other sources.

**20. Books of Accounts**

- 1. The Agency shall keep complete and accurate books of accounts.
- 2. The books of accounts and other financial documents of the Agency shall be audited annually by the Auditor General or by an auditor designated by him.

**CHAPTER THREE**

**BASIC PUBLIC PROCUREMENT PROCEDURES**

**21. Procurement Plan**

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



2. Qorsha sanadeedka iibka ee lagu diyaariyay hab waafaqsan qodob hoosaadka (1) ee qodobkan waa in mas'uulka xafiisku saxeexo lana gadhsiyo Geedisocodyada Xafiiska Dawlada iyo Xafiiska Maaliyada sanad kasta inta ka horaysa bisha Hamle 30keeda.

22. **Kaydinta 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 dhamaystirmo ilaa mudada lagu xaddididoono awaamiirta uu soo saridoono Madaxa-xafiisku. Xogta la xafidayaa waa inay ka koobnaadaan kuwan hoos ku xusan:-

b) Faahfaahin kooban oo ku saabsan qalabyada, shaqooyinka ama adeegyada la rabo in la iibsado.

t) Ogeysiiska 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 in la isticmaalaan nidaam ka baxsan habka furan ee tartanka iibka.

2. በዚህ አንቀጽ ንዑስ አንቀጽ /1/ መሠረት የተዘጋጀው የግዥ ዕቅድ በመሥሪያ ቤቱ የበላይ ኃላፊ ፀድቆ ለሚመለከታቸው የመሥሪያ ቤቱ የሥራ ክፍሎች እና ለኤጀንሲው በየዓመቱ እስከ ሐምሌ 30 መላክ ይኖርበታል።

22. **የግዥ ሰነዶች**

1. የመንግሥት መሥሪያ ቤቶች ከመንግሥት ግዥ ጋር የተያያዙ መዝገቦችን እና ሰነዶችን ግዥው ከተፈፀመበት ቀን አንስቶ የቢሮ ኃላፊው በሚያወጣው መመሪያ ላይ እስከሚገለፀው ጊዜ ድረስ ማቆየት አለባቸው። በዚህ ዓይነት የሚያዘኑት መረጃዎች የሚከተሉትን ይጨምራሉ፡-

ሀ/ የሚገዙትን ዕቃዎች፣ የግንባታ ሥራዎች ወይም አገልግሎቶች አጭር መግለጫ፤

ለ/ የጨረታ ማስታወቂያ፤

ሐ/ የጨረታ መወዳደሪያ ሀሳብ ወይም የዋጋ ማቅረቢያ ያቀረቡ አቅራቢዎች ስምና አድራሻ እንዲሁም በጨረታው አሸናፊ የሆኑ ተጫራቾች ስምና አድራሻ፤

መ/ ለጨረታ ግምገማ የተዘጋጀውን መሰፈርት እና ተፈጻሚ የተደረገበትን ሁኔታ፣ የጨረታ ግምገማና የውድድሩን አፈፃፀምና ከተወዳዳሪዎች የቀረበውን የመወዳደሪያ ሀሳብ እና የዋጋ ማቅረቢያ የሚያሳይ አጭር መግለጫ፤

ሠ/ አቤቱታ ቀርቦ ከሆነ የውሳኔ አሰጣጥ ሂደቱን የሚያሳይ መረጃ፤

ረ/ ከግልፅ ጨረታ ውጪ ሌሎች የግዥ ዘዴዎች መከተል የተመረጡበትን ምክንያት።

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 Hamlet 30 of the Ethiopian Calendar.

22. **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 bureau head from the date of concluding any procurement proceeding Such information's 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. Xogkasta 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 bixinta 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 abuurayso ganacsiga xorta ah ama ay is hortaagayso tartan caddaali ah.
- t) Xogaha la xidhiidha baadhitaanka iyo qiimeynta iibka, brobosaalada ama qiime-sheegyada la soo jeediyey marka laga reebo nidaamka kooban ee lagu tilmaamay farqada (1) (x) ee Qodobkan.

**23. Sinaanta**

Iyada oo aan lagu xad gudbin arimaha lagu qeexay Qodobka 23<sup>aad</sup> ee bayaankan waa inaan ka qayb galayaasha looga takoorin ka qayb-galka iibka dawladda qaab ku salaysan Qabiil, qawmiyad, isir ama shuruudo kale oo aan la xidhiidhin kartida ay leeyihiin.

**24. Mudnaanta**

- 1. Awaamiirta Madaxa Xafiisku soo saari doono ayaa lagu xeerin mudnaanta la siin doono Qalabyada Itoobiya gudaheega lagu sameeyey; Shaqooyinka ay fulinayaan muwaadiniin Itoobiyaan ah iyo hawlaha la talintaba marka lagu guda jiro geedi-socodka hawlaha qiimeynta.
- 2. Mudnaanta ku xusan xubin (1) ee qodobkan ka sokow, awaamiirta uu soo saari doono Madaxa xafiisku ayaa mudnaan lagu siin karaa shirkadaha yaryar iyo kuwa aadka u yaryar.

- 2. ከአሸናፊው ጋር ውል ከተፈረመ ወይም በማናቸውም ምክንያት ውሉ ከተቋረጠ በኋላ የግዥውን ዝርዝር አፈፃፀም የሚያሳየው መረጃ በጨረታው እጩ ተሳታፊ የሆኑ ተወዳዳሪዎች ሲጠይቁ እንዲያዩት መደረግ አለበት። ይሁን እንጂ በሕግ ሥልጣን በተሰጠው አካል ወይም ፍርድ ቤት ካልታዘዘ በስተቀር የመንግሥት መሥሪያ ቤቱ የሚከተሉትን መረጃዎች መስጠት የለበትም፡-

ሀ/ የመረጃው ይፋ መሆን በሕግ የማይፈቀድ፣ የሕግ አፈፃፀምን የሚያስናክል፣ የህዝብን ጥቅም የሚቃረን፣ የተዋዋሮችን ሕጋዊ የንግድ ጥቅም እንዲሁም ቀና ውድድርን የሚጎዳ ከሆነ፤

ለ/ በዚህ አንቀጽ በንዑስ አንቀጽ (1) (መ) በተመለከተው መሠረት ከተጫራዎች የቀረበውን የመወዳደሪያ ሀሳብ ከመመርመርና ከመገምገም ተግባር ጋር የተያያዙ መረጃዎችን፤

**23. አድልዎ ያለማድረግ**

በዚህ አዋጅ አንቀጽ 23 የተደነገገው እንደተጠበቀ ሆኖ በዜግነት፣ በዘር ወይም ከመወዳደሪያ መስፈርቶች ጋር ባልተያያዙ ሌሎች ምክንያቶች በመንግሥት ግዥ አፈፃፀም ሂደት በማንኛውም ዕጩ ተወዳዳሪ ላይ አድልዎ ሊደረግ አይችልም።

**24. ልዩ አስተያየት**

- 1. በቢሮው ኃላፊ በሚወጣው መመሪያ በሚወሰነው መስረት በጨረታ ግምገማ ወቅት በኢትዮጵያ ለተመረቱ ዕቃዎች፣ በኢትዮጵያ ከባንያዎች ለሚከናወኑ የግንባታ ዘርፍ ሥራዎች እና በኢትዮጵያ ከባንያዎች ለሚከናወኑ የምክር አገልግሎት ሥራዎች ልዩ አስተያየት ይደረግላቸዋል።
- 2. በዚህ አንቀጽ ንዑስ አንቀጽ /1/ የተጠቀሰው እንደተጠበቀ ሆኖ በቢሮው ኃላፊ በሚያወጣው መመሪያ መሠረት ለአስተኛ እና ጥቃቅን ተቋማት ተጨማሪ ልዩ አስተያየት ሊደረግላቸው ይችላል።

- 2. The record concerning any proceeding shall on request, and once the proceedings have resulted in a contract or have otherwise been terminated, are 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.

**23. Non-discrimination**

Without prejudice to the provisions of Article 23 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.

**24. Preference**

- 1. A preference margin which shall be determined by a directive to be issued by the Bureau head for goods produced in Ethiopia, for Works carried out by Ethiopian nationals and for consultancy services rendered by Ethiopian nationals are 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 Bureau head may be allowed for small and Micro-enterprises.

- 3. Haddii marka la qiimaynayo tartanka iibka ee alaabta, adeegyada, ama shaqooyinka 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.
- 4. Fulinta ujeeddada lagu xeeriyay qodob hoosaadka (1) ee qodobkan, alaabkasta oo qiimaheeda 35% in ka badan itoobiya dhexdeeda laga leeyahay, waxaa laga soo qaadayaa in itoobiya laga soo saaray.

**25. Nidaamka Xidhiidhka**

- 1. Xidhiidhka ka dhaxaynaya xafiisyada dawladda 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 xaqiiqada iyo dhawrsanaanta sirta, Isla markaana shuruudaha farsamo ay samaxaan in lagu xidhiidho qaab elektaroonik ah waxaa loo hogaansami awaamiirta uu soo saaro madaxa xafiisku.

**26. Luuqadda**

- 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 Soomaliga. Hase ahaatee haddii loo garto inuu ku haboon yahay oo aanu carqaladaynaynin tartanka xorta ah ayna muwaadiniinta Deegaanka oo kaliyaati kaqayb qaadanayaan xafiisyada dawladdu waxay ogolaan karaan in tartanka ama dhokumentiga tartanka iyo foomamka tartansiintaba lagu qoro Af- Ingriisi.
- 2. Haddii libku yahay mid heer Caalami ah dhamaan dokumantiyada tartan waa in lagu diyaariyaa Afka Ingiriisiga.

3. የዕቃዎች፣ አገልግሎቶች ወይም የግንባታ ሥራዎች ጥራትና ዋጋ ተመሳሳይ ሆኖ ተጫራቾች በግምገማ እኩል ነጥብ ሲያገኙ ለአገር ውስጥ ምርቶች፣ አገልግሎቶች ወይም ከብንደዎች ቅድሚያ ይሠጣል።

4. ለዚህ አንቀጽ ንዑስ አንቀጽ /1/ አፈፃፀም ማናቸውም እቃ ከዋጋው ከ35 መቶኛ በላይ በኢትዮጵያ ውስጥ የታከለ ከሆነ በኢትዮጵያ ውስጥ እንደተመረተ ይቆጠራል።

**25. የግንኙነት ስልት**

- 1. በመንግሥት መሥሪያ ቤቶችና በዕጩ ተወዳዳሪዎች መካከል የሚደረጉ ግንኙነቶች በፅሁፍ መደረግ አለባቸው። በፅሁፍ ያልተደረጉ ማናቸውም ግንኙነቶች በማከታተል በፅሁፍ መረጋገጥ አለባቸው።
- 2. የመረጃ ልውውጡን ትክክለኛነት እና በምስጢር መጠበቅን ማረጋገጥ የሚያስችሉ ሥርዓቶች በመዘርጋትና ተፈላጊ ሁኔታዎች መግለጻቸውን ሲያረጋግጥ የቢሮው ኃላፊ በኤሌክትሮኒክስ ዘዴ ግንኙነት ማድረግ የሚያስችል መመሪያ ሊያወጣ ይችላል።

**26. ቋንቋ**

- 1. ዓለም አቀፍ ተጫራቾች የሚሳተፉበት ግዥ ካልሆነ በስተቀር የአገር ውስጥ ተጫራቾች ብቻ ለሚሳተፉበት ብሔራዊ ጨረታ የጨረታ ሰነድ የሚዘጋጀው እና ጨረታው የሚካሄደው በሱማሌኛ ቋንቋ ብቻ ነው። ሆኖም ለግዥው አካሄድ አመቺ መሆኑ ከታመነበት የተሟላ ውድድርን እንደማይገድብ ተረጋግጦ የአገር ውስጥ ተጫራቾች ለሚሳተፉበት የአገር ውስጥ ጨረታ፣ የጨረታ ሰነድ እና የመጨረቻው ሰነድ በእንግሊዘኛ ቋንቋ እንዲዘጋጁ የመንግሥት መሥሪያ ቤቱ ሊፈቅድ ይችላል።
- 2. ለዓለም አቀፍ ግዥ ጨረታ ማስፈፀሚያ የሚዘጋጁት ማናቸውም ሰነዶች በእንግሊዘኛ ቋንቋ መሆን ይኖርባቸዋል።

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. For the purpose of sub-article (1) 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.

**25. Form of Communications**

- 1. Communications between candidates and public bodies shall be in writing. Any communications not made in written form shall be subsequently referred to and confirmed in writing.
- 2. Subject to necessary safeguards with regard to authenticity and confidentiality, and when technical conditions so permit, the Bureau head may issue a directive to determine the extent by which communication by electronic means may be used in addition to or instead of writing.

**26. Language**

- 1. Except where a procurement proceeding involves international bidders, for national bids in which only local bidders 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 bidders 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 English language.

**27. u Qalmida ka qayb-galevaasha**

1. Si looga qayb-gallo iibka dawlada, 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, 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 looga baahanyahay si uu u guto waajibaadyada Heshiiska ku cad.
  - t) Waa in sharcigu u fasaxay inay geli 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) Hab waafaqsan awaamiirta iibka ee uu soo saaro Madaxa xafiisku, waa inuu ku qoran yahay diwaanka liiska alaabkeenayaasha.
  - Kh) Haddi mar hore laga joojiyay ka qayb galka iibka dawladda, waa inay ka dhamaatay muddadii laga joojiyay ka qaybgalku.
  - d) Waa in ay yihiin kuwo fuliyay waajibaadkii ka saarnaa bixinta cashuuraha dawlada sharcigu ku waajibiyay isla markaasina uu cusboonaysiistay liisankiisa shaqo.
  - r) Waa inuu Bangiga god xisaabeed (Account) ku leeyahay.
2. Xafiiska dawladdu si uu u xaqiijiyo iney tartameyaasha ku meel-gaadhka ahi yihiin kuwo buuxinaya dhammaanba shuruudaha lagu faah-faahiyey farqada 1<sup>aad</sup> ee Qodobkan, wuxuu ka codsan karaa caddeynta xogaha loo baahan yahay iney keenaan ama sidey u keeni lahaayeen xogaha kale ee iibka laga hadlayo xidhiidhka la leh.

**27. የዕጩ ተወዳዳሪዎች ብቃት**

1. በማንኛውም የመንግሥት ግዥ ለመሳተፍ ዕጩ ተወዳዳሪዎች ከዚህ በታች የተዘረዘሩትን እና የመንግስት 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 ኃይል ያላቸው፤
  - ለ/ ውል ለመፈጸም የሚያስችል የሕግ ችሎታ ያለው፤
  - ሐ/ በዕዳ ያልተያዘ፣ ያለከሰረ ወይም የሥራ እንቅስቃሴውን ያላቋረጠ፣ የንግድ ሥራ እንቅስቃሴው ያልታገደ፣ ወይም በእነዚህ ምክንያቶች ተከሶ በከርከር ላይ ያልሆነ፤
  - መ). በቢሮው ኃላፊ በሚያወጣው መመሪያ የተመለከተው እንደ-ተጠበቀ ሆኖ፣ በአቅራቢዎች ዝርዝር ውስጥ የተመዘገበ፤
  - ሠ/ በመንግሥት ግዥ እንዳይሳተፍ ታግዶ የነበረ ከሆነ የታገደበትን ጊዜ ያጠናቀቀ፤
  - ረ/ የታደሰ የንግድ ሥራ ፈቃድ ያለውና በኢትዮጵያ የግብር ሕጎች በተደነገገው መሠረት የግብርና የታክስ ግዴታውን የተወጣ፤
  - ሰ/ የባንክ ሂሳብ ያለው፡፡
2. የመንግሥት መሥሪያ ቤቱ ዕጩ ተወዳዳሪዎች በዚህ አንቀጽ ንዑስ አንቀጽ /1/ የተዘረዘሩትን መስፈርቶች የሚያሟሉ መሆኑን ለማረጋገጥ አስፈላጊ የሆኑ የሰነድ መረጃዎችን ወይም ሌሎች መረጃዎችን እንዲያቀርቡ መጠየቅ ይችላል፡፡

**27. 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 Bureau head , that they are registered in the suppliers list;
  - e) that the period for which they were suspended from participating in public procurement is over;
  - 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 it that the candidates are qualified in accordance with the criteria referred to in sub-article (1) of this Article.

- 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<sup>aad</sup> 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 lee yahay inuu shuruud ku oofiyo. Waxa kale oo uu liiska ka saari karaa tartamaha goor kasta oo laga helo dokumantigiisa xog khaladan.

**28. Faahfaahinta baahiyaha Farsamo**

- 1. Faahfaahinta Farsamada iyo faahfaahinta tilmaamaya dabeecadaha, qalabka, shaqooyinka ama 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 dhamaantood.
- 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 Qaabka ay u xidhxidhantahay ama geedi-socodka hawlaha iyo hannaanka lagu soo saarayo iyo weliba waxyaabaha loo baahan yahay ee la xidhiidha qiimeynta lagu samaynayo siday u waafaqsan yihiin Nidaamyada shaqo.

3. በዚህ አንቀጽ መሠረት ዕጩ ተወዳዳሪዎች እንዲያሟሉ የሚጠበቁት መስፈርቶች በጨረታ ሰነድ ወይም የተጫራቾችን የመወዳደሪያ ሀሰብ ለመጠየቅ በሚዘጋጁ ሰነዶች ውስጥ መመልከት ያለባቸው ሲሆን፤ በሁሉም ተጫራቾች ላይ በእኩልነት ተፈጻሚ መሆን አለባቸው።

4. የመንግሥት መሥሪያ ቤቱ በዚህ አንቀጽ ንዑስ አንቀጽ /3/ መሠረት የሚቀርቡትን ሰነዶች እና የመመዘኛ መስፈርቶችን መሠረት በማድረግ የዕጩ ተወዳዳሪዎችን ብቃት መገምገም አለበት።

5. የመንግሥት መሥሪያ ቤት ብቃት ያላቸው መሆኑን ለማስረዳት ሀሰተኛ መረጃ የያዙ ሰነዶችን ያቀረቡ ዕጩ ተወዳዳሪዎች ወይም ብቃታቸውን ለማረጋገጥ ያቀረቡት መረጃ መሠረታዊ ስህተት ያለበት ወይም ያልተሟላ መሆኑ በማናቸውም ጊዜ የተረጋገጠባቸው እጩ ተወዳዳሪዎች ከጨረታ ውጪ እንዲሆኑ ያደርጋል።

**28. የቴክኒክ ፍላጎት መግለጫ**

1. ስለግዥው ምንነት ትክክለኛና የተሟላ መግለጫ እንዲኖር እንዲሁም ዕጩ ተወዳዳሪዎች ፍትሃዊና ግልፅ በሆነ አሠራር መወዳደር የሚችሉበትን ሁኔታ ለማመቻቸት ግዥ ፈጻሚ አካላት የሚዝጋግባቸውን ዕቃዎች፣ የግንባታ ሥራዎች ወይም አገልግሎቶች ባህሪያዎች የሚያሳይ የቴክኒክ ፍላጎት መግለጫ ማዘጋጀት አለባቸው።

2. የቴክኒክ ፍላጎት መግለጫው የመንግስት መሥሪያ ቤቱ ሊገዛ የሚፈልገውን ዕቃ ጥራት፣ ጠቀሜታ፣ ተገቢ ጥንቃቄ፣ እንደአስፈላጊነቱ መለኪያውን፣ መለያውን፣ መጠሪያውን፣ አስተሳሰብን፣ ምልክቱን፣ ወይም የአመራሪቱን ሂደትና ዘዴ እንዲሁም ተፈላጊ የሆነውን ባሕርይ የሚያሟላ መሆኑ የሚረጋገጥበትን ሥርዓት የሚገልፅ መሆን አለበት።

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.

**28. 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. Qeexitaanka farsamo ee ay diyaariyeen xafiisyada dawladda, markay suurto gal tahay;
- b). Waa inay noqdaan kuwo laga eegayo dhinaca kartida hawl-fulineed halkii xoogga laga saari lahaa xagga naqshada ama dabecadaha faah-faahinaya:
- t). Waa inay noqdaan kuwo lagu saleeyey Halbeegyada qaran (National standards) marka ay jiraan, hase yeeshee mararka kale waxaa la adeegsan Halbeegyada adduunku aqoonsan 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 magac ama calaamad Ganacsi (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 “*u dhiganta ama lamid ah*” lagu soo daro dulucda qeexitaanka.

**29. Burinta tartanada, brobosaalada iyo qiime-sheegyada**

- 1. Xafiisyada dawladu tartanka iibka, brobosaalada ama qiime-sheegyada waxay mar kasta burin karaan ka hor inta aan heeshiiska iibka la saxeejin, sababahan hoos ku xusan hal ka mid ah ama in kabadan:
- b) Marka ay caddato in geedisocodka iibka dhexdiisa laga sameeyay khaladaad saamayn kara natiijada Tartanka.
- t) Marka la xaqiijiyo qorshaha iibka oo la badalay ama fursad ka fiican oo baahida xafiiska lagu dabooli karo oo la helay awgeed iibka fulintiisu in aanay faa’iido dhaqaale iyo mid farsamo toona u lahayn xafiiska.

- 3. የመንግሥት መሥሪያ ቤቱ የሚያዘጋጀው የቴክኒክ ፍላጎት መግለጫ እስከተቻለ ድረስ፡-
  - ሀ/ በዲዛይን ወይም ባሕሪያትን በመዘርዘር ላይ ሳይሆን በጠቀሜታ ላይ፤
  - ለ/ አገራዊ ደረጃ የወጣለት ሲሆን ደረጃውን ወይም ዓለም አቀፍ ተቀባይነት ያላቸውን ደረጃዎች ወይም የግንባታ ኮዶች መሠረት ያደረገ፤
  - ሐ/ ሰፊ ውድድርን የሚጋበዝ እና ውድድርን ሊገድቡ የሚችሉ መግለጫዎች ያልተካተቱበት መሆን አለበት፡፡
- 4. የመንግሥት መሥሪያ ቤቱን ፍላጎት በትክክል ለመግለፅ አስቸጋሪ ካልሆነ ወይ ሌላ ዘዴ ካልታወቀ በስተቀር የቴክኒክ መግለጫ የተለያየ የንግድ ምልክት ወይም ስም፣ ፓተንት፣ ዲዛይን ወይም የተወሰነን አምራች ወይም አገልግሎት ሰጪ የሚጠቅስ መሆን የለበትም፡፡ አስገዳጅ ሁኔታ በሚያጋጥምበት ጊዜ « ወይም ተመሳሳይ » የሚል ሐረግ በዕቃና አገልግሎት ዝርዝሩ ውስጥ መታከል ይኖርበታል፡፡

**29. ጨረታን፣ የመወዳደሪያ ሀሳብን እና የዋጋ ማቅረቢያን ውድቅ ስለማድረግ**

- 1. የመንግሥት መሥሪያ ቤቶች ከሚከተሉት በአንዱ ወይም ከአንድ በላይ በሆኑ ምክንያቶች ጨረታን፣ የመወዳደሪያ ሀሳብን እና የዋጋ ማቅረቢያን የግዥ ስምምነት ከመደረጉ በፊት በማናቸውም ጊዜ ሙሉ በሙሉ ወይም በከፊል ውድቅ ማድረግ ይችላሉ፡-
  - ሀ/ በግዥ አካሄድ ላይ ውጤቱን ሊያዛባ የሚችል ስህተት መፈፀሙ ከተረጋገጠ፤
  - ለ/ በሥራ ዕቅድ መቀየር ምክንያት ወይም የመሥሪያ ቤቱን ፍላጎትን ለማሟላት ሌላ የተሻለ አማራጭ በመፈጠሩ ምክንት ግዥውን ማካሄድ ለመንግሥት መሥሪያ ቤቱ የተሻለ ቴክኒካል ወይም ኢኮኖሚያዊ ጥቅም የሌለው መሆኑ ሲረጋገጥ፤

- 3. Technical specification prescribed by public bodies shall, as far as possible:
  - a) be in terms of performance rather than design or descriptive characteristics;
  - 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.

**29. Rejection of Bids, Proposals and Quotations**

- 1. Public bodies 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:
  - a) There is proof of error in the procurement proceeding which could affect the outcome of the bid;
  - 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;

- j) Marka ay tartamayaashu ku guul daraystaan inay buuxiyaan ama gaadhan heerka ugu hooseeya shuruudaha ku cad dokumantiga tartanka
- x) Marka qiimaha ugu hooseeya ee tartamayaashu ka sare maro qiimaha suuq ee ay wakaaladu faafisay isla markaasina uu xafiiska dawladdu filayo inuu helayo qiime uga fiican haddii uu dib qabto tartan kale.
- Kh) marka qiimaha uu tartamuhu ku guulaystay ka sare maro wadarta miisaaniyadda loo qoondeeyay iibka islamarkaasina xafiisku aanu sinaba u buuxin karin farqiga dhimaalka ah.
- d) Marka ay caddaato inay tartamayaashu hoos u heshiiyeen oo aanu tartan xor ahi dhicin.
- 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.
- 3. Haddii go'aanka diidmada tartanka la gaadho ka hor mudada uu xidhmayo tartanka iibka, xafiisku dhokumentiyada tartanka iibka ee uu qabtay dibayuu ugu celin tartameyaasha iyadoon la furin.
- 4. Xafiisyada dawladdu talaabada ay u qaadaan hab waafaqsan farqada (1) ee qodobkan kama dhalan karto masuuliyad lagu dacweyn karo xafiisyada.

**30. Iibka Elaktarooniga ah**

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

- 1. Wakaalada ayaa xaqiijinaya in xafiisyada soo codsada, alaab-keenayaasha, iyo ha'adaha kormeerkuba ay samaysteen awooddii (katidii) ay ku hirgalin lahaayeen nidaamka.

- a/ የቀረቡት ተጫራቾች በጨረታ ሰነዱ ላይ የተቀመጠውን ዝቅተኛ መስፈርት የሚያሟሉ ሲሆን፤
- መ/ በጨረታ የቀረበው ዝቅተኛ ዋጋ ኤጀንሲው ከሚያሰራጨው የገበያ ዋጋ በላይ ሲሆን፤ እና የመንግሥት መሥሪያ ቤቱ ድጋሚ ጨረታ በማውጣት የተሻለ ዋጋ የሚገኝ መሆኑን ሲገምት፤
- ሠ/ በጨረታው አሸናፊ የሆነው ተጫራች የሰጠው ዋጋ የግዥ ፈፃሚ መሥሪያ ቤቱ ለግዥው ከያዘው በጀት በላይ ሲሆን እና ባለበጀት መሥሪያ ቤቱ የበጀቱን ልዩነት ከሌላ ምንጭ ማሟላት የማይችል ሲሆን፤
- ረ/ ዕጩ ተወዳዳሪዎች የግዥ አካሄዱን ለማዘባት በመመሳጠራቸው በቂ ውድድር አለመደረጉ ሲረጋገጥ፡፡
- 2. የመንግሥት መሥሪያ ቤቶች በዚህ አንቀጽ በንዑስ አንቀጽ /1/ በተመለከተው መሠረት ጨረታን ሲሠረዙ ለዕጩ ተወዳዳሪዎች ወዲያውኑ እንዲደርስ ማድረግ አለባቸው፡፡
- 3. ጨረታውን ውድቅ የማድረጉ ውሳኔ የተሰጠው ጨረታው ከመከፈቱ በፊት ከሆነ የመጫረቻ ሰነዶቹ እንደታሸጉ ለዕጩ ተወዳዳሪዎች መመለስ አለባቸው፡፡
- 4. የመንግሥት መሥሪያ ቤቶች በዚህ አንቀጽ በንዑስ አንቀጽ /1/ በተመለከተው መሠረት ጨረታን፣ የመወዳደሪያ ሀሳብን፣ የዋጋ ማቅረቢያን ውድቅ በማድረጋቸው ምክንያት ምንም ዓይነት ተጠያቂነት አይኖርባቸውም፡፡

**30. የኤሌክትሮኒክ ግዥ**

የቢሮው ኃላፊ ግዥ ወጪ ቆጣቢ፣ ግልፅ እና ዘመናዊ እንዲሆን ለማድረግ እንዲቻል ሂደቱ በኤሌክትሮኒክ ዘዴ እንዲፈፀም ሊያደርግ ይችላል፡፡ ይህንን ሥራ ላይ ማዋል እንዲቻል፡-

- 1. ኤጀንሲው ሃገሪቱ ለምትገኝበት የዕድገት ደረጃ ተመጣጣኝ የሆነ ግዥን በኤሌክትሮኒክ የመረጃ ልውውጥ ዘዴ የመፈፀም አሰራርን በማጥናት ያቀርባል፤

- c) .Bidders fail to meet the minimum criteria set forth in the bid document;
- 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;
- 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;
- f) It is proved that the bidding is not sufficiently competitive as a result of connivance among candidates.
- 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.
- 3. If the decision to reject all bids results 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.

**30. Electronic Procurement**

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

- 1. The Agency shall ensure that public bodies, suppliers and supervising entities develop the Capacity required implementing the system;

2. Madaxa Xafiisku markuu ku qanco in qaab-shaqeedka iyo awoodda xafiisyada dawladda iyo alaab-keenayaashu ay u diyaarsan yihiin inay iibka ku fulin karaan nidaamka Elaktarooniga 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.

**31. Qodobada Anshaxa Iibka iyo Maamulka Hantida dawladda**

1. Iyadoo laga duulayo faah-faahinta lagu xusi doono awaamiirta madaxa xafiisku soo saaro, shaqaalaha ka shaqeeya maamulka hantida iyo iibka dawladda waxaa laga rabaa inay ilaaliyaan Qodobada Anshax-shaqeed ee halka hoose ku qoran marka ay waajibaadkooda gudanayaan:

b) Inay soo sheegaan isku dhaca ama is khilaafka danaha ee jira ama ka imanka kara geedi-socodka shaqadooda iskana wareejiyaan shaqadaasi,

t) Inay tartamayaasha siiyaan fursad iskumid ah oo tartan iyo mid shaqoba

j) Inay xafidaan xogta sirta ah ee xafiisyada dawladda, tartamayaasha, iyo alaab-keenayaasha ee ay ogaadaan marka ay gudabayaan wajibaadkooda shaqo.

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

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

2. የቢሮው ኃላፊ የቀረበውን በኤሌክትሮኒክ የመረጃ ልውውጥ ዘዴ ግዥን የመፈፀም አሰራር በመመርመር እና አጠቃላይ የመንግሥት መሥሪያ ቤቶች እና የአቅራቢዎች አሰራር እና አቅም ግዥን በኤሌክትሮኒክ የመረጃ ልውውጥ ለመፈፀም ዝግጁ ነው ብሎ ሲያምን ተገቢውን የአሰራር ስርአት በመዘርጋት ሥርዓቱ በተወሰኑ ወይም በሁሉም የመንግሥት ግዥዎች ተፈፃሚ እንዲሆን ሊያደርግ ይችላል።

**31. የመንግሥት ግዥ እና ንብረት አስተዳደር ሥነ-ምግባር**

1. ዝርዝር አፈፃፀማቸው በቢሮው ኃላፊ በሚያወጣው መመሪያ የሚገለፅ ሆኖ በግዥና ንብረት አስተዳደር ሥራ ላይ የተሰማሩ ሠራተኞች የሚከተሉትን የስነ ምግባር መርሆዎች ተከትለው ተግባራቸውን ያከናውናሉ፡-

ሀ/ የተፈጠረ ወይም ሊፈጠር የሚችል የጥቅም ግጭትን የማሳወቅ እና ራስን ከሒደቱ የማግለል፤

ለ/ ለዕጩ ተወዳዳሪዎች እና አቅራቢዎች እኩል መወዳደር እና የመፈፀም እድል የመስጠት፤

ሐ/ በስራ አጋጣሚ ያወቃቸውን የመንግሥት መሥሪያ ቤቱን እና የዕጩ ተወዳዳሪዎን ወይም የአቅራቢዎችን መረጃ በሚጠር መጠበቅ፤

መ/ ስጦታ ወይም የሥራ እድል ወይም የገንዘብ ዋጋ ያለውን ነገር ወይም አገለግሎት አለመቀበል፤

ሠ/ በሥራ ሒደት ያወቃቸውን ሊፈጠሩ የታሰቡ ወይም የተፈጠሩ የሙስና ተግባራትን ለሕግ አስፈፃሚ አካላት የማሳወቅ እና ሙስናን እና ብልሹ አሰራርን ለመዋጋት የሚደረገውን ጥረት የማገዝ፤

2. upon due consideration of the proposed system of effecting procurement by means of electronic exchange of information and 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 Bureau head 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.

**31. Rules of Ethics in Public Procurement and Property Administration**

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

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

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

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;

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

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 qarqalad ku noqon kara geedi-socodka iibka dawladda iyo wareejinta hantida ay dawladdu ka maaranto. Iyadoon wax loo dhimayn arrimaha ku xusan qaybta shan iyo tobnaad ee bayaankan, tartame iyo alaab-keene kasta waxaa saran mas'uuliyadaha soo socda;
- b) in aanay si toos ah iyo si dadbanba hab dhiiri galineed ugu siinin hadiyado nooc kasta ha ahaadeene, in anay u balanqaadin wax hadiyad ah, iyo in aanay balan qaadin fursad shaqo ama waxkasta oo qiimo 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 mara habaabiyo geedi-socoka iibka dawladda ama wareejinta hantida duuga ah ee dawladdu ka maarantay.
- j) In aanay xidhiidh hoose la samayn tartame kale isagoo is leh aad heshid faa'iido shrci-daro ah,
- x) Inay wargeliyaan ha'adaha sharci fulinta fal kasta oo la sameeyay ama lagu tala jiro inuu sameeyo oo musuq ah oo uu ogaado iyo inuu caawiyo dadaalka lagu dagaalamayo musuq iyo shaqo xumadaba.

32. **Noocyada iibka**

- 1. Si loo fuliyo iibka dawladda waxaa dhaqan galaya noocyada iibka ee halkan ku xusan:
  - b) Tartanka Furan
  - t) Codsiga Baraboosalada
  - j) Tartanka labada wareeg
  - x) Tartanka xaddidan

- ረ/ ለሕዝብ ሃብትና ንብረት ተቆርቋሪ መሆን።
- 2. ማንኛውም ዕጩ ተወዳዳሪ ወይም አቅራቢ የመንግሥት የግዥ አፈፃፀም እና ንብረት አወጋገድን ሊያዘባ ከሚችል ከማንኛውም ተግባር ራሱን ማግለል አለበት። በዚህ አዋጅ ምዕራፍ አሥራ አምስት የተመለከተው እንደተጠበቀ ሆኖ፡-
- ሀ/ የመንግሥት መሥሪያ ቤቱን ኃላፊ ወይም ሠራተኛ ተግባር ወይም ውሳኔ ለማዘባት ወይም ከግዥው አፈፃፀም እና ንብረት አወጋገዱ ጋር በተያያዘ መሥሪያ ቤቱ ሊከተለው የሚገባውን አሰራር ለማስለወጥ በመደለያ መልክ በቀጥታ ወይም በተዘዋዋሪ መንገድ ማናቸውንም ዓይነት ስጦታ አለመስጠት ወይም ስጦታ ለመስጠት ቃል አለመግባት ወይም የሥራ ዕድል ወይም ሌላ ማናቸውንም የገንዘብ ዋጋ ለውን ገዢ ወይም አገልግሎት አለመስጠት፤
- ለ/ የመንግሥት ግዥ አፈፃፀምን ወይም ንብረት አወጋገድ ለማዘባት በማሰብ የሀሰት ማስረጃ አለማቅረብ ወይም መግለፅ የነበረበትን መረጃ አለመደበቅ፤
- ሐ/ ተገቢ ያልሆነ ጥቅም ለማግኘት በማሰብ ከሌላ ዕጩ ተወዳዳሪ ጋር በመመሳጠር የሐሰት ውድድር ዓለማድረግ፤
- መ/ በሥራ ሒደት ያወቃቸውን ሊፈጠሩ የታሰቡ ወይም የተፈጠሩ የሙስና ተግባራትን ለሕግ አስፈፃሚ አካላት የማሳወቅ እና ሙስናን እና ብልሹ አሰራርን ለመዋጋት የሚደረገውን ጥረት የማገዝ፤ ኃላፊነት አለበት።

32. **የግዥ ዘዴዎች**

- 1. በመንግሥት ግዥ አፈፃፀም የሚከተሉት የግዥ ዘዴዎች ስራ ላይ ይውላል፡-
  - ሀ/ ግልጽ ጨረታ፤
  - ለ/ በመወዳደሪያ ሐሳብ መጠየቂያ የሚፈፀም ግዥ፤
  - ሐ/ በሁለት ደረጃ ጨረታ የሚፈፀም ግዥ፤
  - መ/ ውሰን ጨረታ፤

- 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 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.

32. **Methods of Procurement**

- 1. The following methods shall be used in public procurement:
  - a) Open Bidding;
  - b) Request for Proposals;
  - c) Two stage Tendering;
  - d) Restricted Tendering;

kh) Codsiga Qiima-sheegta

d) Iibka tooska ah

- 2. Hadii aan si kale bayaankani fasaxayin, 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.

**33. shirkadaha wadaaga ah ee dawladda iyo havadaha gaarka loo leeyahay**

Madaxa-xafiisku wuxuu soo saaridoona awaamiir qeexaysa siyaabaha uu ku samaysmi karo heshiiska wadaaga ah ee dhexmara shirkadaha horumarinta dawlada iyo dadka gaarka ah iyo sidii loo fulin laha.

**QAYBTA AFRAAD**  
**IIBKA TARTANKA FURAN**

**34. Ogeysiiska tartanka**

- 1. Ogeysiiska tartanka iibka isagoo ku qoran luuqadda dokumantiga iibku ku qoran yahay 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 deegaanka iyo midka qaranka.
- 3. Muddada tartamayaashu inay dokumantigooda ku soo xareeyaan loo qabanayo kama yaraan karto tirada ugu yar ee maalmaha lagu xeeriyay awaamiirta iibka.

ሠ/ በዋጋ ማቅረቢያ የሚፈፀም ግዥ፤

ረ/ ከአንድ አቅራቢ የሚፈፀም ግዥ፡፡

- 2. በዚህ አዋጅ በተፈቀደው ሁኔታ ካልሆነ በስተቀር የመንግሥት መሥሪያ ቤቶች ማናቸውንም ግዥ በግልፅ የጨረታ ዘዴ መፈፀም አለባቸው፡፡
- 3. የመንግሥት መሥሪያ ቤቶች ከግልፅ የጨረታ ውጪ በሌሎች የግዥ ዘዴዎች ግዥ መፈፀም የሚችሉት በዚህ አዋጅ የተገለፁት ሁኔታዎች ከተሟሉ ብቻ ይሆናል፡፡
- 4. በዚህ አዋጅ ወይም በግዥ መመሪያው የተዘረጉ የግዥ ሥርዓቶችን ለመሸሸ የመንግስት መሥሪያ ቤቶች በአንድነት ሊፈፀሙ የሚገባቸውን የዕቃ፣ የግንባታ ወይም የአገልግሎት ግዥዎች መከፋፈል የለባቸውም፡፡

**33. የመንግሥትና የግል ሽርክና**

የቢሮ ኃላፊው የመንግሥትና የግል ሽርክና የሚመሰረትበትን ሁኔታ እና የሽርክናውን ዝርዝር አፈፃፀም የሚወስን መመሪያ ያወጣል፡፡

**ምዕራፍ አራት**

**የግልፅ ጨረታ አፈፃፀም**

**34. የጨረታ ማስታወቂያ**

- 1. የጨረታ ማስታወቂያ የጨረታ ሰነዱ በተዘጋጀበት ቋንቋ በሚታተም እና አገራዊ ሽፋን ባለው ጋዜጣ ቢያንስ አንድ ጊዜ መውጣት አለበት፡፡
- 2. የመንግሥት መሥሪያ ቤቱ አስፈላጊ ሆኖ ሲያገኘው የጨረታ ማስታወቂያው በዚህ አንቀጽ ንዑስ አንቀጽ /1/ ከተጠቀሰው በተጨማሪ በብሔራዊ የሬዲዮ እና የተሌቪዥን ጣቢያ ማስታወቂያውን ሊያስነግር ይችላል፡፡
- 3. ለዕጩ ተወዳዳሪዎች ለቸረታ ማቅረቢያ የሚሰጠው ጊዜ በግዥ መመሪያ ከሚወሰነው አነስተኛ የቀን ብዛት ያነሰ መሆን የለበትም፡፡

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 directive.

**33. Public Private Partnership**

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

**CHAPTER FOUR**

**PROCEDURE OF OPEN TENDERING**

**34. Advertisements**

- 1. Invitation to bid shall be advertised in at least one times in a national newspaper 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 local and national radio and television.
- 3. The time allowed for preparation of bids shall not be less than the minimum number of days stated in the procurement directives.

**35. Baaqa Tartanka**

In uu ka koobnaado arrimaha hoos ku xusan ka sokow, Baqa tartanka diyaarintiisu waa inuu waafaqsanaado dokumantiga tartanka ee rasmiga ah oo ay wakaaladu soo samayn doonto:-

- b) Magaca iyo ciwaanka xafiiska dawladda,
  - t) Faahfaahin kooban oo saabsan alaabta, shaqada dhismaha, iyo adeega larabo.
  - j) Shuruudaha iyo siyaabaha lagu helikaro dhokumentiga tartanka iyo goobta laga helayo.
  - x) 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 goob-joog noqoon karan wakhtiga furitanka dokumantiga tartanka.

**36. Dhokumentiyada tartanka**

Si tartanku uu u noqdo mid dhamaystiran cadaalad ah, ka madax-banaan eex islamarkaana ku salaysan siinaan, waa in dhokumentiga tartanku uu noqdo mid ay ku dhamaystiran yihiin macluumaad u sahla tartamayaasha inuu dhexmaro tartan. Gaar ahan dokumantiga tartanku waa inay xusan:-

- b)Tilmaamaha qaabka loo diyaarinayo dhokumentiga iyo nidaamka loo soo gudbinayo.
- t) Macluumaad qeexaya muddada ugu danbaysa ee la xeerinayo dhokumentiga, ciwaanka lagu xeraynayo, maalinta, meesha iyo saacada la furayo tartanka iyo sidoo kale in ay goob joog ka noqdaan xafladda furitanka tartanka dhammaan tartameyaasha ama wakiiladoodu.
- j) Foomamka tartanka iyo haddii loo baahdo foomamka damanada tartanka

**35. የጨረታ ጥሪ**

የጨረታ ጥሪ ከሚከተሉት በተጨማሪ በኤጀንሲው የሚወጣውን መደበኛ የጨረታ ሰነድ መሠረት በማድረግ መዘጋጀት አለበት:-

- ሀ/ የመንግሥት መሥሪያ ቤቱን ስምና አድራሻ፤
- ለ/ የዕቃውን፣ የግንባታ ሥራውን እና የአገልግሎቱን አጭር መግለጫ፤
- ሐ/ የጨረታውን ሰነድ ለማግኘት መሟላት ያለባቸውን ቅድመ-ሁኔታዎች እና የጨረታ ሰነዱ የሚገኝበትን ቦታ፤
- መ/ የጨረታ መወዳደሪያ ሃሳብ የሚቀርብበትን ቦታ እና የማቅረቢያውን የመጨረሻ ጊዜ፤ እና
- ሠ/ ጨረታው የሚከፈትበትን ቦታ እና ጊዜ እንዲሁም ተጨራሾች ወይም ተወካዮች ጨረታው ሲከፈት መገኘት የሚችሉ መሆኑን የሚገልፅ ማሳሰቢያ፡፡

**36. የጨረታ ሰነድ**

በተጨማሪዎች መካከል የሚረገው ውድድር በተሟላ፣ ገለልተኛና ተጨባጭ መሠረት ባለው ሁኔታ እንዲካሄድ ለማድረግ የጨረታው ሰነድ በኤጀንሲው የተዘጋጀውን መደበኛ የጨረታ ሰነድ መሠረት በማድረግ በቂ መረጃ በያዘ መልኩ የተዘጋጀ መሆን አለበት፡፡ በተለይም ሰነዱ የሚከተሉትን ሊያካትት ይገባል:-

- ሀ/ የመጨረቻ ሰነድ ለማዘጋጀትና ለማቅረብ አስፈላጊ የሆኑ መመሪያዎችን፤
- ለ/ የመጨረቻ ሰነዱን ማስረከቢያ የመጨረሻ ቀን፣ የመጨረቻ ሰነዱ የሚላክበትን አድራሻ፣ ጨረታው የሚከፈትበትን ቀን፣ ሰዓት እና ቦታ፣ እንዲሁም የተጨራሾች ወኪሎች በጨረታው መከፈቻ ሥነ-ሥርዓት ላይ ሊገኙ የሚችሉ መሆኑን የሚገልፅ መረጃ፤
- ሐ/ የጨረታ መወዳደሪያ ሀሳብ ማቅረቢያ ቅደም ተከተል፣ እንዲሁም አግባብነት አስካለው ድረስ የጨረታ ማስከበሪያ ቅደም ተከተል፤

**35. 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 Agency:

- 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;
- d) The place and deadline for the submission of bids; and
- e) The place and time for opening of bids, along with an announcement those bidders or their representatives are allowed to attend at the opening of bids.

**36. 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;

- x) Dhammaan nuqulada loo baahan yahay in la raaciyo nuqulka asalka ah.
- kh) shuruudaha guud iyo kuwa gaar ahaaneed ee heshiiska.
- d) Qeexitaanka farsamo ee loo bahanyahay iyo xaddidida waqtiga la rabo in lasoo xareeyo alaabta ama la dhameeyistiro shaqada sida ugu haboon.
- r) Warbixin tilmaamaysa in tartameyaashu ay leeyihiin awood fulineed, nooca ay tahay caddeymaha ay keensadeen iyo sidoo kale sharciyadooda iyo awoodooda maaliyadeed.
- s) Muddada uu tartanku soconayo.
- sh) Shuruudaha qiimeeynta ee lagu ogaado cidda ku guulaysanaysa iyo shuruud kasta dhibcaha ay leedahay.
- dh) xusida in xafiiska dawladdu xaq uu leeyahay inuu 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 hab waafaqsan awaamiirta madax-xafiisku dhigayso.

**37. Bixinta dukumentiga tartanka**

1. Dhokumentiga tartanka waa in ka qayb-galayaasha tartanka lagu gaadhsiiyo 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 siduu ku wada gaadhi lahaa tartanayaasha
3. Markuu xafiiska dawladdu u arko inay ku haboon tahay wuxu dokumantiga tartanka ku siin tartamayaasha lacag la'aan.

- መ/ ከዋናው የመጫረቻ ሰነድ ጋር መቅረብ ያለባቸውን ተጨማሪ ኮፒዎች፤
- ሠ/ የውሉን አጣቃላይ እና ልዩ ሁኔታዎች፤
- ረ/ እንደአግባብነቱ ዕቃውን ለማቅረብ ወይ ሥራውን ለማጠናቀቅ ይወስዳል ተብሎ የሚገመተውን የጊዜ ገደብ ጨምሮ ተፈላጊ የዕቃና አገልግሎት ዝርዝር፤
- ሰ/ ተጫራቹ በጨረታው ለመሳተፍ ብቃት ያለው መሆኑን ለማረጋገጥ የሚያቀርባቸውን መረጃዎች ዓይነት እንዲሁም የፋይናንስ አቋሙን እና ሕጋዊነቱን ለማረጋገጥ ማቅረብ ያለበትን መረጃ፤
- ሸ/ ጨረታውን ፀንቶ የሚቆይበትን ጊዜ፤
- ቀ/ ጨረታውን ለመገምገም እና በጨረታው አሸናፊ የሆነውን ለማስታወቅ የሚያገለግሉ መስፈርቶችን እና ለእያንዳንዱ መስፈርት የተሰጠውን ነጥብ፤
- በ/ ግዥውን የሚፈፀመው የመንግሥት መሥሪያ ቤት የጨረታው አሸናፊ ይፋ ከመደረጉ በፊት በማናቸውም ጊዜ ጨረታውን ሙሉ በሙሉ ወይም በከፊል የመሰረዝ መብት ያለው መሆኑን፤ እና
- ተ/ በቢሮ፣ኮሎኒው በሚያወጣው መመሪያ በልዩ ሁኔታ ለተፈቀዱ ግዥዎች በውል አፈፃፀም ወቅት የዋጋ ማስተካከያ ሊደረግ የሚችል ስለመሆኑ እና የዋጋ ማስተካከያው የሚደረግበትን ሁኔታ እና አፈፃፀሙን፡፡

**37. የጨረታ ሰነድ ሽያጭ**

1. የጨረታ ሰነድ የመሸጫ ዋጋ ለጨረታው ሰነድ ዝግጅት እና ሰነዱን ለዕጩ ተወዳዳሪ ለማቅረብ ለወጣው ወጪ ባልበለጠ መተመን ይኖርበታል፡፡
2. የጨረታ ሰነዱ ጨረታው ከወጣበት ጊዜ ጀምሮ ጨረታው እስከሚዘጋበት ጊዜ ድረስ ባሉት የሰራ ቀናት እና በጨረታ ማስታወቂያው በተገለፀው አካሄድ ለዕጩ ተወዳዳሪዎች እንዲደርስ መደረግ አለበት፡፡
3. የመንግሥት መሥሪያ ቤቱ አግባብ ሆኖ ሲያገኘው የጨረታ ሰነዱ በነፃ እንዲሰጥ ሊፈቅድ ይችላል፡፡

- d) The number of copies to be submitted with the original bid;
- e) The general and specific conditions of the contract;
- f) Specification of requirements, including time limit for delivery or completion of the task, as appropriate;
- 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 Bureau head.

**37. 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. Where it deems it to be appropriate the public body may make the bidding document available to candidates free of charge.

**38. Wax ka beddelka dhokumentiga tartanka**

1. Xafiisyada dawladdu iskood ama marka ka qaybgalayaasha tartanku ka soo codsadaan waxa ay wax ka bedeli karaa dhokumentiga tartanka iyagoo soo saaraya lifaaq, ka hor mudada loo qoondeey in lagu soo xareeyo dhokumentiga, Wax ka badelkaasina wuxu ka mid noqonayaa dokumantiga 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, waxuu ka qaybgalayaasha u sheegi in mudaday xidhmaysay soo gudbintu in dib loo dhigay, si wax ka beddelka dhokumentiga wakhti ku filan loogu helo, laguna soo buuxiyo.

**39. Damaanada tartanka**

1. Xafiiska iibka fulinaya wuxuu ka qaybgalayaasha u sheegi in ay soo raaciyaan dhokumentiga tartanka warqad cadaynaysa in lacag damaanad ah ay bangiga dhigeen. Lacagtan cadadkeedu waa inuu noqdo mid tartanka ka reebaysa ka qaybgalayaasha aan xilkaska ahayn.
2. Iyadoo arrimaha lagu sheegay farqadda (1) ee qodokani sideeda tahay, nooca iibka dammaanada tartanka looga baahan yahay ay yihiin iyo caddadka dammanadda tartankaba waxaa lagu xeerin Awaamiirta uu soo saaro madaxa Xafiisku.
3. Muddada tartanku socdo tartamaha ka baxa tartanka ama tartamaha ku guulaysta tartanka laakiin diida inuu saxeeexo heshiiska ama ku guuldaraysta inuu keeno damaanada waxqabadka waxaa lagala wareegi lacagtii uu damaanad ahaan u dhigay bangiga.

**38. በጨረታ ሰነድ ላይ ስለሚደረግ ማሻሻያ**

1. የመንግሥት መሥሪያ ቤቶች በራሳቸው ወይም የጨረታ ሰነድ ከገዙ ዕጩ ተወዳዳሪዎች በሚቀርቡ ጥያቄዎች መነሻ የመጫረቻ ሰነድ ማቅረቢያ ጊዜ ገደብ ከማለፉ በፊት የጨረታ ሰነዶችን ይዘት ለማሻሻል ይችላሉ።
2. የተደረገው ማሻሻያ በፅሁፍ ተዘጋጅቶ የጨረታ ሰነዶችን ለገዙ ዕጩ ተወዳዳሪዎች ሁሉ በተመሳሳይ ጊዜ መላክ አለበት።
3. የመንግሥት መሥሪያ ቤቱ የጨረታ ሰነዱን ይዘት ማሻሻል አስፈላጊ ሆኖ ያገኘው እና በማሻሻያው የተመለከቱ ማስተካከያዎችን ለማድረግ በቂ ጊዜ የሌለ መሆኑን የተረዳ እንደሆነ ዕጩ ተወዳዳሪዎች ማሻሻያውን መሰረት አድርገው የጨረታ ሰነዱን ለማዘጋጀት በቂ ጊዜ እንዲኖራቸው ለማድረግ የግዥውን ባህርይ መሠረት በማድረግ የጨረታውን ማቅረቢያ ጊዜ ለተወሰኑ ቀናት ሊያራዝም ይችላል።

**39. የጨረታ ማስከበሪያ**

1. የመንግሥት መሥሪያ ቤቶች በሚዘጋጁት የጨረታ ሰነድ ተጫራቾች ከመጫረቻ ሰነዶቻቸው ጋር የጨረታ ማስከበሪያ የማቅረብ ግዴታ እንዳለባቸው መግለፅ አለባቸው። የጨረታ ማስከበሪያው መጠን በጨረታው ኃላፊነት በተሞላው ሁኔታ የማይሳተፉትን ለማስቀረት የሚያስችል መሆን ይኖርበታል።
2. በዚህ አንቀጽ ንዑስ አንቀጽ /1/ የተገለፀው ቢኖርም የጨረታ ማስከበሪያ ማስያዝ የሚያስፈልግባቸው የግዥ አይነቶች እና የጨረታ ማስከበሪያው መጠን በብርድ ኃላፊ በሚወጣው መመሪያ ይወሰናል።
3. የጨረታ ማስከበሪያው ፀንቶ በሚቆይበት ጊዜ ውስጥ ተጫራቹ ራሱን ከውድድሩ ካገለለ ወይም አሸናፊውን ተጫራች በሚመለከት አሸናፊነቱ ከተገለፀበት በኋላ ውሉን ለመፈረም ፈቃደኛ ሆኖ ካልተገኘ ወይም እንዲያቀርብ የተጠየቀውን የውል ማስከበሪያ ካላቀረበ የጨረታ ማስከበሪያው ውርስ ይደረጋል።

**38. 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.

**39. 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 Minister.
3. A bid security will be forfeited if a bidder withdraws his bid within the validity period thereof or in the case of a successful bidder, if the bidder repudiates the contract or fails to furnish performance security, if so required.

**40. Soo Gudbinta iyo Qabashada Dhokumentiyda Tartanka**

1. Waxaa goobta iyo muddada ogeysiiska lagu xusay la geyn dhokumentiga tartanka oo qoraal ahaan ku diyaarsan, saxeezan, isla markaana bushqad ku xidhan.
2. Haddii uu dhokumentiga tartanka yahay mid badan oo ayna bushqadu qaadaynin xafiiska dawladdu wuxu siin tartameyaasha Bushqad weyn oo qaadi karta waxaanu siin juwan 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.

**41. Furitaanka tartanka**

1. Xafiiska Dawladdu markay dhamaato mudadii loo xadiday in lagu soo xareeyo dokumentiga tartanka sida ku cad isla documentigaasi waa inuu isla markaasiba furaa dokumentiyada intaan mudadu dhicin lasoo xareeyay.
2. Waa in magaca iyo cadadka guud ee tartamuhu soo buuxiyey, qiima dhimista ay u sameeyeen, iyo waliba xafiiska dawladdu isagoo eegaya xaaladaha iibkaasi wixii xog ah si 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 faah-faahintoodaba waa in la siiyo.
3. Iyadoon waxba loo dhimayn arriamaha ku xusan farqada (2) ee qodobkan, marka lagu soo gudbiyo dhokumentiga tartanka ee xagga farsamada iyo xagga maaliyadda laba buqshadood, qiimaha tartanka waxaa lagu dhawaaqayaa kadib marka la dhameeyo qiimaynta dhinaca farsamada.

**40. የመጫረቻ ሰነድ ስለማቅረብና ስለመቀበል**

1. የመጫረቻ ሰነድ በፅሁፍ ተዘጋጅቶና ተፈርጥሞበት በታሸገ ኤንቨስትመንት ውስጥ ሆኖ በጨረታ ማስታወቂያው ከተመለከተው የጊዜ ገደብ በፊት በተገለፀው ቦታ ገቢ መደረግ አለበት።
2. የመጫረቻ ሰነዱ ትልቅ በመሆኑ በጨረታ ሳጥን ውስጥ ሊቀመጥ የማይችል ከሆነ የመጫረቻ ሰነዱን የመንግሥት መሥሪያ ቤቱ የግዥ ስራ ክፍል ተረክቦ ገቢ የተደረገበትን ቀንና ሰዓት የሚያሳይ ማረጋገጫ ለእጩ ተወዳዳሪው መስጠት አለበት።
3. በዚህ አንቀጽ ንዑስ አንቀጽ /2/ የተደነገገው እንደተጠበቀ ሆኖ የመጫረቻ ሰነዱን ለማቅረቢያ ከተወሰነው ጊዜ በኋላ የቀረበ ሰነድ ተቀባይነት አይኖረውም።

**41. ጨረታን ስለመክፈት**

1. የመንግሥት መሥሪያ ቤቱ በጨረታ ሰነዱ የተመለከተው የመጫረቻ ሰነድ ማቅረቢያ የተወሰነው የጊዜ ገደብ እንደተጠናቀቀ ወዲያውኑ፣ የመጫረቻ ሰነድ ከማቅረቢያ የጊዜ ገደብ በፊት የቀረቡ የመጫረቻ ሰነዶችን መክፈት አለበት።
2. የተጫራቹ ስም እና በእያንዳንዱ የመጫረቻ ሰነድ የቀረበው የመጫረቻ ዋጋ፣ የተሰጠ ቅናሽ እና የመንግሥት መሥሪያ ቤት እንደ ግዥው ሁኔታ ተጫራቾች አንፃራዊ ደረጃቸውን ለማወቅ ይረዳቸዋል ብሎ የሚያንባቸው ሌሎች መረጃዎች ከፍ ባለ ድምፅ መነበብ እና መመዘገብ እንዲሁም ተጫራቾች በጠየቁ ጊዜ የተመዘገበውን ዝርዝር እንዲያገኙ መደረግ አለበት።
3. በዚህ አንቀጽ ንዑስ አንቀጽ /2/ የተደነገገው ቢኖርም የቴክኒክና የፋይንናስ መወዳደሪያ ሀሳብ በሁለት ፖስታ የቀረበ በሚሆንበት ጊዜ የመጫረቻ ዋጋው የሚነበበው የቴክኒክ ግምገማው ከተጠናቀቀ በኋላ ይሆናል።

**40. Submission and Receipt of Bids**

1. Bids shall be submitted in writing, signed and in a 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 it becomes impossible to put the bid document in a bid 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.

**41. 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 envelops.

42. **Hubinta iyo qiimeynta dhokumentiyada tartanka**

1. Markasta oo loo arko in ay baadhista iyo qiimeynta tartanka ay ka caawinayso, xafiiska dawladda ee iibka fulinayaa wuxuu tartameyaasha ugu baaqi karaa dhokumentiga wax ka bedel hase ahaatee lama ogolaan karo in waxka bedel lagu sameeyo qiimaha lasoo gudbiyay.
2. Iyadoo ay jiraan arrimaha ku cad farqada 1aad ee qodobkani, xafiiska dawladda ee iibka fulinayaa wuxuu sixi karaa khaladaadka tiro ee uu ku helo muddada baadhista dhokumentiyada tartanka xafiiska dawladda ee iibka fulinayaa waa in u si deg-deg ah sixitaanka noocan la socodsiiisaa tartamaha.
3. Iyadoo la dhawrayo arrimaha ku cad farqada (4) ee qodobkan, xafiiska dawladda ee iibka fulinayaa wuxuu tartanka la soo dhamaystiray u qaadan karaa si uu u guda-galo marka u xaqiijiyo in arrimaha ku qeexan dukumentiga tartanka la soo buuxiyey.
4. Marka ay jiraan khaladaad yaryar iyadoon waxba loo dhimin nuxurka aasaasiga ah ee dukumentiga tartanka waxaa la sixi karaa iyadoo ka duwan qoddobada calaamada, weedhaha heshiiska, xaaladaha iyo arrimaha kale ee lagu xusay dukumentiga tartanka xafiiska iibka fulinayaa waxu u qaadanayaa in tartanka la soo dhamaystiray waafaqsanaan la'aanta illaa xadka suurto-galka ah iyadoo loo dulqaadanayo ayaa wakhtiga qiimeynta iyo tartansiinta lagu xisaabtamayaa.
5. Xafiis kasto oo iibka fulinayaa ma bixin karo tartannada aan waafaqsanayn arrimaha hoos ku qeexan:-
  - b) Marka tartamuhu buuxin Karin shuruudaha ku xusan qodobka 20 (1) ee bayaankan.
  - t) Marka tartamuhu uu ka baaqsado ama diido sixitaanka xisaabeed ee hab waafaqsan farqada 2<sup>aad</sup> ee qodobkani lagu sameeyey.

42. **የመጫረቻ ሰነዶችን ስለመመርመር እና ስለመገምገም**

1. ጨረታውን ለመመርመርና ገምገማውን ለማከናወን የሚረዳ ሆኖ ሲገኝ፣ የመንግስት መሥሪያ ቤቱ ተጫራቾች ባቀረቡት የመጫረቻ ሰነድ ላይ ማብራሪያ እንዲሰጡ ሊጠይቅ ይችላል። ሆኖም የዋጋ ለውጥን ጨምሮ የመጫረቻ ሰነዱ ላይ መሠረታዊ ለውጥ የሚያስከትል ሀሳብ ማቅረብ ወይም መፍቀድ አይቻልም።
2. በዚህ አንቀጽ ንዑስ አንቀጽ /1/ የተመለከተው ቢኖርም የመንግስት መሥሪያ ቤቱ በጨረታ ምርመራው ወቅት የተገኙ የሂሳብ ስህተቶችን ለማረም ይችላል። የመንግስት መስሪያ ቤቱ እነዚህን ማስተካከያዎች የመጫረቻ ሰነዱን ላቀረበው ተጫራች በአፋጣኝ መግለፅ አለበት።
3. በዚህ አንቀጽ ንዑስ አንቀጽ /4/ የተመለከተው እንደተጠበቀ ሆኖ፣ የመንግስት መስሪያ ቤቱ ጨረታው የተሟላ ነው ብሎ ሊቀጥል የሚችለው በጨረታው ሰነድ የተመለከቱትን ተፈላጊ ሁኔታዎች ሙሉ በሙሉ የሚያሟላ ሆኖ ሲያገኘው ነው።
4. በጨረታው ሰነድ ከተዘረዘሩት ባህሪያት፣ የውል ቃሎች፣ ሁኔታዎች እና ሌሎችም ተፈላጊ ነጥቦች ጋር በተወሰነ ደረጃ ልዩነት ቢኖረውም መሠረታዊ የሆነ ለውጥ እና ልዩነት እስከሌለው ድረስ ወይም የጨረታው ቁምነገር ሳይለወጥ ሊታረም የሚችል ጥቃቅን ስህተት ወይም ግድፈት ቢኖረውም የመንግስት መስሪያ ቤቱ ጨረታውን እንደተሟላ አድርጎ ሊቀበል ይችላል። ማናቸውም ልዩነት እስከተቻለ ድረስ በአሀዝ ተገልጾ በጨረታ ገምገማ እና ውድድር ወቅት ከገምት ውስጥ መግባት አለበት።
5. ማናቸውም የመንግስት መስሪያ ቤት ከዚህ በታች የተዘረዘሩትን የማያሟሉ ተጫራቾችን አሸናፊ አድርጎ መምረጥ የለበትም፡-
  - ሀ/ ተጫራቹ በዚህ አዋጅ በአንቀጽ 20(1) የተጠቀሱትን መስፈርቶች ማሟላት የማይችል ሆኖ ሲገኝ፤
  - ለ/ ተጫራቹ በዚህ አንቀጽ ንዑስ አንቀጽ /2/ መሠረት የተደረገውን የሂሳብ ማስተካከያ የማይቀበል ሆኖ ሲገኝ፤

42. **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:
  - a) the bidder has failed to demonstrate, in the manner provided in Article 20(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;

- j) Marka dhokumantiga 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 u xusho tartamaha ku guulaystay waa in ay dukumentiyada tartanka ee buuxiyey arrimaha looga baahnaa ee qiimaynta waa inuu ka qaybgelayaasha ku tartansiiyaa hanaanka ku cad dukumentiga tartanka iyo shuruudaha qiiimeynta, 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 u noqdo in qiimihii uu ku soo tartamay badalo ama u hagaajiyo soo jeedintiisa 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, cida qiimeynta qiyaasta xaalada maaliyadeed ee tartanka ugu qiimo hoosaysa, hase ahaatee shuruudaha waa in ay ku fadhiyaan xaqiiqada dhabta ah ee lacag ahaan lagu tilmaami karo, isla markaana wakhtiga qiimeynta tixgelin dadban la siin karo.
- j) Sida lagu xeeriyay awaamiirta uu soo saaro Madaxa Xafiisku, farqadda (8) xarafka (b) ama (t) ee qodobkan tartamaha lagu doortay sharciyaddisa, awoodiisa maaliyadeed, iyo tan farsamoba marka la xaqiijiyo inay waafaqsan yihiin sida dokumantiga tartanka ku qoran.
- 9. Xafiiska iibka fulinaaya waa inuu diyaariyo warbixin kooban oo tilmaamaysa natiijada baadhitaanka iyo qiimeynta.

- d/ የቀረበው የመጫረቻ ሰነድ በጨረታ ሰነዱ የተመለከቱትን ሁኔታዎች የማያሟላ ሆኖ ሲገኝ፡፡
- 6. የመንግሥት መሥሪያ ቤቱ በዚህ አንቀጽ ንዑስ አንቀጽ /8/ በተደነገገው መሠረት አሸናፊውን ተጫራች ለመምረጥ በጨረታ ሰነዱ በተመለከተው የግምገማ መስፈርት መሠረት ተፈላጊውን ያሟሉ የመጫረቻ ሰነዶችን መገምገምና ማወዳደር አለበት፡፡ በጨረታ ሰነድ ያልተመለከተ የማወዳደሪያ መስፈርት በጥቅም ላይ ሊውል አይችልም፡፡
- 7. ማናቸውም ተጫራች በመጫረቻ ሰነዱ ከተመለከተው ውጪ በጨረታው አሸናፊ ለመሆን ያቀረበውን የመጫረቻ ዋጋ እንዲለውጥ ወይም ያቀረበውን የመወዳደሪያ ሐሳብ እንዲያሻሽል ወይም ይህንን ለመፈፀም ግዴታ እንዲገባ ሊጠየቅ ወይም ሊገደድ አይችልም፡፡
- 8. በጨረታ አሸናፊ ሆኖ የሚመረጠው፡-
  - ሀ/ በጨረታ ግምገማ የቴክኒክ መመዘኛዎችን ማሟላቱ የተረጋገጠ እና አነስተኛ ዋጋ ያቀረበ ተጫራች፤
  - ለ/ የመንግሥት መሥሪያ ቤቱ በጨረታው ሰነድ ውስጥ አሸናፊው ተጫራች የሚመረጥበትን መስፈርት የገለፀ ከሆነ፤ በጨረታ ሰነዱ የሰፈረውን የጨረታውን ኢኮኖሚያዊ እሴት የሚወስነውን መስፈርት መሠረት በማድረግ በሚካሄድ ግምገማ የተሻለ ኢኮኖሚያዊ ጠቀሜታ ያለው የጨረታ ሀሳብ ያቀረበው ተጫራች አሸናፊ ይሆናል፡፡ ሆኖም መስፈርቱ በተጨማሪ ሁኔታ ላይ የተመሠረተ፤ በአሃዝ ሊገለፅ የሚችል ሆኖ በግምገማው ሂደት አንጻራዊ ክብደት የሚሰጠው እና እስከተቻለ ድረስ በገንዘብ የሚገለፅ መሆን አለበት፤
- d/ በቢሮ ኃላፊው በሚያወጣው ዝርዝር መመሪያ በሚወሰነው መሰረት በዚህ ንዑስ አንቀጽ በፊደል (ሀ) ወይም (ለ) መሰረት የተመረጠው ተጫራች ህጋዊነት፤ የፋይናንስ እና የቴክኒክ አቅም በመጫረቻ ሰነዱ ላይ በተቀመጠው መሰረት መሆኑ በድሕረ ግምገማ ሲረጋገጥ፡፡
- 9. የመንግሥት መሥሪያ ቤቱ የግምገማውን ውጤት በአጭሩ የሚገልፅ የግምገማ ሪፖርት ማዘጋጀት አለበት፡፡

- 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;
  - 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.
- 9. The public body shall prepare an evaluation report, containing a summary of the examination and evaluation of bids.



**43. Qarinta Sirta Geedi-Socodka**

Laga bilaabo marka furitaanka tartanka ilaa baadhista tartanka, faahfaahinta qiimeynta iyo go'aanka cidii guulaystay tartanka arrimaha oo dhan looma sheegi karo cid ayna shaqo ahaan u khuseyn ilaa lagu dhawaaqayo cidda ku guulaysatay.

**44. Waxyaabaha ay tahay in lagala xaajoodo tartamaha guulaystay**

1. Xafiiska dawladda ee iibka Isamaynaya wuxuu tartamaha ku guulaystay tartanka kala hadli karaa arrimaha la xidhiidha fulinta heshiiska ee aan hore loogu xusin dokumantiga tartanka iibka
2. Marka laga reebo iibka alab-keene kaliya tooska looga gato, sida uu dhigayo Qodobka 49<sup>aad</sup> ee bayaankan, xafiiska dawladda ee iibka samaynaya tartamaha ku guulaystay tartanka qiimihii uu soo dhaweeyay iyo arrimo la xidhiidha qiimaha toona kalama xaajoon karo.

**45. Wargalinta guulaystaha tartanka iyo saxaaxida heshiiska**

1. Xafiiska iibka fulinaya waa in ay wargaliyaan tartamaha ku guulaystay tartanka ka hor inta aanay dhamaanin muddadii loogu talo-galay wargalinta guusha waxaa kale oo ay qeexi wakhtiga heshiiska la galayo sidoo kale, tartameyaasha ku guuldaraystay sababta guuldarada iyo magaca cidda ku guulaysatay tartanka waa in la wargeliyaa.
2. Xafiiska dawladda ee iibka samaynaya iyo alaab-keenaha heshiiska gaadheen waxaa la odhan kara marka labada dhinac ay kala saxiixdaan dokumantiga heshiis ay ku wada qanacsanyihiin oo qeexaya dhamaan qodobada lagu heshiiyay.
3. Xafiiska dawladda ee iibka samaynaya wuxuu heshiiska iibka saxiixi karaa marka tartamayaashii laga guulaystay uu gaadho ogaysiiska sheegaya in laga guulaystay kadib iyo madax-xafiiseedku awaamiirta iibka ee uu soo saari doono mudada ku xaddidan markay dhamaato.

**43. በሚስጥር ስለሚያዙ አሰራሮች**

ጨረታው ከተከፈተበት ጊዜ አንስቶ ከጨረታ ምርመራ፣ ከማብራሪያ፣ ከግምገማ እና አሸናፊውን ተጫራች በሚመለከት ከቀረበው የውሳኔ ሀሳብ ጋር የተያያዙ መረጃዎች አሸናፊው ተጫራች እስከሚገለፅ ድረስ ከሰራው ሂደት ጋር ግንኙነት ለሌላቸው ሰዎች መገለፅ የለባቸውም።

**44. ከአሸናፊ ተጫራች ጋር ድርድር ስለሚደረግባቸው ጉዳዮች**

1. የመንግሥት መሥሪያ ቤቱ ከአሸናፊው ተጫራች ጋር የጨረታ ሰነዱ ላይ ባልተጠቀሱ የውል አፈፃፀም ጉዳዮች ላይ ድርድር ሊያደርግ ይችላል።
2. በዚህ አዋጅ በአንቀጽ 49 ላይ በተጠቀሰው መሰረት ከአንድ አቅራቢ በቀጥታ ለሚፈፀም ግዢ ካልሆነ በስተቀር አሸናፊው ተጫራች ባቀረበው ዋጋ እና ከዋጋ ጋር ግንኙነት ባላቸው ጉዳዮች ላይ የመንግሥት መሥሪያ ቤቱ ከአሸናፊው ተጫራች ጋር ድርድር ማድረግ አይችልም።

**45. አሸናፊነትን ስለመግለፅና ውል ስለመፈራረም**

1. የመንግሥት መሥሪያ ቤቶች ከተጫራቹ የቀረበው የመጫረቻ ሰነድ ፀንቶ የሚቆይበት ቀን ከማለፉ በፊት በጨረታው አሸናፊ ለሆነው ተጫራች አሸናፊነቱን መግለፅ አለባቸው። የአሸናፊነት መግለጫ ማስታወቂያው ውሉ የሚፈረምበትን ቀን የሚገልፅ ይሆናል። በጨረታው ተሸናፊ ለሆኑ ተጫራቾችም የአሸናፊውን ስም እና የተሸነፉበትን ምክንያት የሚገልፅ ማስታወቂያ ደብዳቤ ሊደርሳቸው ይገባል።
2. በመንግሥት መስሪያ ቤቱ እና በአቅራቢዊ መካከል ውል ተመስርቷል የሚባለው በሁለቱ ተዋዋይ ወገኖች ስምምነት የተደረሰባቸውን ጉዳዮች በሙሉ የሚይዘው የውል ሰነድ ሲፈረም ይሆናል።
3. የመንግሥት መሥሪያ ቤቱ ለተሸናፊዎቹ ተጫራቾች ተሸናፊነታቸውን የሚገልጸው ማስታወቂያ ከመድረሱ እና የቢሮ ኃላፊው በሚያወጣው መመሪያ ላይ የተመለከተው የጊዜ ገደብ ከማለፉ በፊት የግዥውን ውል መፈረም የለበትም።

**43. Process to be Confidential**

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.

**44. Matters subject for Negotiation with the Successful Bidder**

1. The public body may negotiate with the successful bidder on matters of contract performance not dealt within the bidding document.
2. Except in a single source procurement provided for in Article 49 of this Proclamation the public body may not negotiate on the price offered by the successful bidder and on other issues related to price.

**45. Notification of Award and Signing of Contract**

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 as to who the successful bidder is and why they have lost the bid.
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 Bureau head has lapsed.

4. Xafiiska dawladda ee iibka samaynaya dariiqu u raacayao heshiiska maamulidiisa waxaa lagu xeerin awaamiirta uu soo saaro Madaxa Xafiisku.

**46. Dammaanada Qandaraaska**

Qandaraaslaha tartanka ku guulaystay kadib marka heshiiska iibka lala galo, waxaa waajib ku ah inuu Xafiiska heshiiska la galay u keeno dammaanad u dhiganta ama qayb ka ah hantida uu heshiiska kula galay, isla markaana si uu Xafiiska heshiiska bixiyay ugu noqoto dammaanad haddii heshiiska sidiisa loo fulin waayo, nooca iyo qiimaha dammaanada waxaa lagu qeexayaa madaxa xafiisku awaamiirta iibka ee uu soo sari doono.

**47. Lacagta horumariska loo bixinayo**

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

**QAYBTA SHANAAD**

**TARTANKA XADDIDAN**

**48. Shuruudaha Isticmaalka nidaamka tartanka xadidan**

Xafiisyada dawladdu waxay nidaamka tartanka xaddidan isticmaali karaab 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 madaxa xafiisku soo saaro.

4. የመንግሥት መሥሪያ ቤቱ የውል አስተዳደርን በሚመለከት ሊከተል የሚገባው አሠራር የቢሮ ኃላፊው በሚያወጣው መመሪያ ይወሰናል።

**46. የውል ማስከበሪያ**

አቅራቢው በውሉ መሠረት ባለመፈፀሙ በመንግሥት መስሪያ ቤቱ ላይ ለሚደርሰው ጉዳት ማካካሻ የሚውል የውል ማስከበሪያ ለባለበጀት መሥሪያ ቤቱ መስጠት አለበት። የውል ማስከበሪያ የሚጠየቅባቸው የግዥ ዓይነቶች፣ የውል ማስከበሪያው ዓይነትና መጠን የቢሮ ኃላፊው በሚያወጣው መመሪያ ይወሰናል።

**47. የቅድሚያ ክፍያ**

1. በመንግሥት ግዥ አፈፃፀም ለአቅራቢው የሚሰጠው የቅድሚያ ክፍያ መጠን እና አፈፃፀም የቢሮ ኃላፊው በሚያወጣው መመሪያ መሰረት ተፈፃሚ ይሆናል።
2. የቅድሚያ ክፍያ ሊፈፀም የሚችለው አቅራቢው በቅድሚያ ክፍያ መልክ ከሚወስደው ገንዘብ መጠን ጋር እኩል የሆነ ዋስትና ሲያቀርብ ይሆናል።

**ምዕራፍ አምስት**

**ውስን ጨረታ**

**48. በውስን ጨረታ ለመጠቀም መሟላት ያለባቸው ሁኔታዎች**

የመንግሥት መሥሪያ ቤቶች በውስን ጨረታ ግዥ መፈፀም የሚችሉት የሚከተሉት ሁኔታዎች ሲሟሉ ብቻ ነው፡-

1. ዕቃው፣ የግንባታ ዘርፍ ሥራው ወይም አገልግሎቱ ከተወሰኑ አቅራቢዎች ብቻ የሚገኝ መሆኑ ሲረጋገጥ፤
2. የግዥው መጠን የቢሮ ኃላፊው በሚያወጣው መመሪያ ከተቀመጠው የገንዘብ መጠን ያልበለጠ ሲሆን፤ ወይም

4. The procedures that public body has to follow in administering the contract shall be prescribed by a directive to be issued by the Bureau head.

**46. 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 Bureau head.

**47. 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 Bureau head.
2. Advance payment may be effected only where a supplier furnishes advance payment guarantee in an amount equal to the advance payment.

**CHAPTER FIVE**

**RESTRICTED TENDERING**

**48. 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. 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 Bureau head ; or

3. Iyadoo la raacayo awaamiirta iibka ee madax-xafiisku soo saari doono, marka dhawr jeer lagu celceliyiyo ogaysiiska tartanka iibka ee tartamayaal ka qayb qaata la waayo.

49. **Nidaamka tartanka xadidan**

Nidaamka tartanka xadidan wuxuu la mid yahay kan tartanka xorta ah, marka laga reebo arrimahan hoos ku xusan:-

1. Sida uu dhigayo farqadda (1) ee qodobka (47) haddi alaabta, shaqada dhismaha, ama adeega loo baahan yahay laga helayo alaab-keenayaal xaddidan oo kaliya, wicidda ama lasacodsiinka tartanka waa in loo diraa alaab-keenayashi xaddidnaa oo dhan.
2. Haddii tartanka xaddidan loo raacayo sababaha ku xusan farqadaha (2) iyo (3) ee qodobka (47), ogaysiiska tartanka waa in loo diraa, hadba sida loo karayo, ayadoo la raacayo sida hoos ku qoran:
  - b) Xulashada waa inay ahaato mid shirkadaha degaanka u diiwaan-gashan siinaysa fursad caddaaliya oo ay u siman yihiin.
  - t) Iyadoo loo baahan yahay in la xaqiijiyo xaddiga uyeedhidda tartanka loo dirayaa inay tahay mid ka dhigi karta tartan ka madaxbanaan eex, hadana si loo karaba tirada tartamayaashu waa in aanay shan (5) ka yaraan.
3. Muddada loo cayimay diyaarinta dukumentiga tartanku ma noqon karo mid ka yar muddada ugu yar ee lagu cayimay awaamiirta iibka. Hase yeeshee, tartamayaasha tartanka loogu yeedhay haddii ay dhamaantood muddada tartanku xidhmayo ka hor soo xareeyaan dokumantiyadooda, xafiiska dawlada ee iibka samaynayaa inta uu ogaysiin u wada diro ayuu muddadii furitaanka u qondaysnayd ee dokumantiga tartanka ku qornayd ka oo aan gaadhin furi karaa.

3. ቢሮ ኃላፊው ዝርዝር አፈጻጸሙ በመመሪያ የሚገለፅ ሆኖ በተደጋጋሚ ጨረታ ወጥቶ ተወዳዳሪ ያልተገኘ ሲሆን፡፡

49. **የውስን ጨረታ አፈጻጸም**

የውስን ጨረታ ሥርዓቶች ከግልፅ ጨረታ ጋር ተመሳሳይ ሲሆኑ፣ የውስን ጨረታ የሚከተሉትን ልዩ አሠራሮች ይከተላል፡-

1. በዚህ አዋጅ በአንቀፅ 47(1) መሠረት ዕቃው፣ የግንባታ ዘርፍ ሥው፣ የምክር ወይም ተፈላጊው ሌላ አገልግሎት የሚገኘው ከተወሰኑ አቅራቢዎች ብቻ ሲሆን የጨረታው ጥሪ ለነዚህ አቅራቢዎች በሙሉ ይላካል፤
2. የውስን ጨረታው የሚካሄደው በዚህ አዋጅ በአንቀፅ 47(2) ወይም (3) ላይ በተጠቀሰው ምክንያት ከሆነ የጨረታ ጥሪው እስከተቻለ ድረስ በአቅራቢዎች ዝርዝር ውስጥ ከተመዘገቡት አቅራቢዎች መካከል የሚከተለውን መሠረት በማድረግ ይፈፀማል፡-
  - ሀ/ አመራረጡ በአቅራቢዎች ዝርዝር ውስጥ ለተመዘገቡት ፍትሐዊ የሆነ ዕድል የሚያስገኝ መሆን ይኖርበታል፤
  - ለ/ ጥሪ የሚደረግላቸው እጩ ተወዳዳሪዎች ብዛት ውጤታማ ውድድር እንዲኖር ለማድረግ የሚያስችል መሆኑ መረጋገጥ ያለበት ሲሆን፣ እስከተቻለ ድረስ የተወዳዳሪዎች ቁጥር ከ5 ማነስ የለበትም፡፡
3. ለመጫረቻ ሰነድ ዝግጅት የሚፈቀደው ጊዜ ለዚህ የግዥ ዘዴ በግዥ መመሪያው ከተወሰነው አነስተኛው የቀን ብዛት ያነሰ ሊሆን አይችልም፡፡ ሆኖም ለጨረታው ጥሪ የተደረገላቸው ተጫራቾች በሙሉ የመጫረቻ ሰነዳቸውን ከጨረታው መዝገብ ቀን በፊት ካስገቡ የመንግሥት መሥሪያ ቤቱ ለተጫራቾች በቂ የቅድሚያ ማስታወቂያ በመስጠት ጨረታውን በጨረታ ማስታወቂያው ላይ ከተቀመጠው ቀን አስቀድሞ ሊከፍት ይችላል፤

3. Where a repeated advertisement of the invitation to bid fails to attract bidders in respect of procurement subject to the directive to be issued by the Bureau head.

49. **Restricted Tendering**

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

1. where the object of procurement is available only with limited suppliers in accordance with Article 47(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 47 sub-articles(2) or (3) of this Proclamation, the invitation to bid shall as far as possible be sent to limited suppliers chosen 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 not be less than the minimum number of days stated in the procurement directive for this method of procurement. However, if all suppliers invited to participate in the bid have submitted their bids before the closing date, the public body may open the bid ahead of schedule by giving bidders prior notice;

4. Haddi tartanka xaddidan fulintiisu waafaqsan tahay sababta ku xusan farqadda (1) ee qodobka (47), Xafiiska dawladda ee iibka fulinaya wuxu go'aan ka gaadhi in dammaanada tartanka loo baahan yahay iyo in kale.

**QAYBTA LIXAAD**  
**IIBKA TOOSKA AH**

**50. Shuruudaha iibka toos ah**

- 1. Xafiisyada dawladda ee iibka samaynaya Waxay iibka tooska ah 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 gato; 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 wax-ku xidhmayaan ama adeegyadaba in laga gato 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 keenista alaabtii iibkii hore oo kale sidii dib loogu qaban laha ama loogu keeni laha in heshiis la saxiixo loo baahdo;

4. የመንግስት መሥሪያ ቤቱ በውስጥ ጨረታ ግዥ የሚፈፀመው በዚህ አዋጅ አንቀፅ 47(1) ላይ በተገለፀው ምክንያት ሲሆን የጨረታ ማስከበሪያ ማቅረብ የሚያስፈልግ መሆን ያለመሆኑን ይወስናል።

**ምዕራፍ ስድስት**

**ከአንድ አቅራቢ የሚፈፀም ግዢ**

**50. ከአንድ አቅራቢ ግዥ ለመፈፀም መሟላት ያለባቸው ሁኔታዎች**

- 1. የመንግስት መሥሪያ ቤቶች ከአንድ አቅራቢ ግዥ መፈፀም የሚችሉት የሚከተሉት ሁኔታዎች ሲሟሉ ብቻ ነው፡-
  - ሀ/ ዕቃው፣ የግንባታ ዘርፍ ሥራው ወይም ተፈላጊው ሌላ አገልግሎት የሚገኘው ከአንድ ዕጩ ተወዳዳሪ ብቻ በመሆኑ ምክንያት ማወዳደር የማይቻል መሆኑ ሲረጋገጥ፤
  - ለ/ ለዕቃዎች፣ ወይም ለተገባሚዎች ተጨማሪ መለዋወጫ ዕቃዎችን ወይም ተጨማሪ አገልግሎቶችን ከመጀመሪያው አቅራቢ መግዛት ሲፈለግ፣ ወይም ከሌላ አቅራቢ ግዥው በፈፀም የሚገዛው ተገባሚ መሳሪያ ወይም አገልግሎት የመንግስት መሥሪያ ቤቱ ከሚጠቀምበት መሣሪያ ወይም አገልግሎት ጋር የማይጣጣም ሆኖ በመገኘቱ ከመጀመሪያ አቅራቢ መለዋወጫዎችን፣ አገልግሎቶችን ወይም ተገባሚዎችን መግዛት አስፈላጊ ሲሆን፤
  - ሐ/ በግዥ መመሪያ የሚደረገው ገደብ እንደተጠበቀ ሆኖ፣ ያልተሰቡ ሁኔታዎች በማጋጠማቸው ምክንያት በመጀመሪያው ውል ውስጥ ያልተካተቱ ተጨማሪ የግንባታ ዘርፍ ሥራዎች ማሰራት አስፈላጊ ሆኖ የተገኘ እንደሆነ እና በቴክኒክ ወይም በኢኮኖሚ ምክንያቶች እነዚህን ተጨማሪ የግንባታ ሥራዎች ከመጀመሪያው ውል ነጥሎ ማሰራት የማይቻል ሆኖ ሲገኝ፤
  - መ/ በግዥ መመሪያ የሚደረገው ገደብ እንደተጠበቀ ሆኖ፣ አሸናፊው ከተመረጠ በኋላ በተፈረመ ውል የመጀመሪያው ግዥ የተከናወነባቸው ዓይነት ተመሳሳይ ሥራዎች ወይም አቅርቦቶች በድጋሚ እንዲሰሩ ወይም እንዲቀርቡ ማድረግ በማስፈለጉ ተጨማሪ ውል መፈፀም አስፈላጊ ሲሆን፤

4. If the public body uses restricted tendering for the reason stated on Article 47(1) of this Proclamation, it shall determine whether it is necessary to require the candidates to submit bid security.

**CHAPTER SIX**

**DIRECT PROCUREMENT**

**50. 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 have been 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, marka heshiiskii hore ee ku saabsana latalinta ama adeegyo kaleba uu si lagu qanacsan yahay ku dhamaado oo loo baahdo in adeegu sii socdo iyo xaqiijinayo dheeraynta heshiiskaasi tahaymid 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 madaxa xafiisku;

r) Faah-aahinta sida loo fulinayo iyadoo lagu caddayn doono awaamiirta Madax-xafiiseedku soo saari doono, marka ay jiraan xaalado xafiisyada dawladda ku qasbaya inay suuqa ururis ah wax uga 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 gato alaab-keenayaasha rasmiga ah looma isticmaalayo.

2. Xafiisyada dawladdu xaddiga lacageed ee lagu xeerinayo 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 yahay 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/ በግዥ መመሪያ የሚደረገው ገደብ እንደተጠበቀ ሆኖ፣ የመጀመሪያው የምክር ወይም ሌሎች አገልግሎቶች ውል አጥጋቢ በሆነ ሁኔታ መጠናቀቁ እና ውሉ እንዲራዘም ማድረግ ቁጠብንና ቅልጥፍን የሚያስገኝ መሆኑ በመረጋገጡ አገልግሎቱ መቀጠል አስፈላጊ ሆኖ ሲገኝ፤

ረ/ በጣም አስቸኳይ ከመሆኑ የተነሳ ከባድ ችግር የሚፈጥርና በመሰሪያ ቤቱ ስራ አፈፃፀም ላይ ጉዳትን የሚያስከትል በመሆኑ ምክንያት በመሥሪያ ቤቱ የበላይ ኃላፊ የተፈቀደ ግዥ፤

ሰ/ ዝርዝር አፈፃፀሙ ቢሮ፣ኃላፊው በሚያወጣው መመሪያ የሚወሰን ሆኖ የመንግሥት መሥሪያ ቤቶች ለሚኖራቸው የተለየ የግዥ ፍላጎት ማሟያ ከገበያ በለቀማ ግዥ መፈጸም 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 ያልተሰማሩ ሰዎች ለሚሸጡዋቸው እቃዎች ሲሆን፤ በመደበኛ አቅራቢነት ከተሰማሩ አቅራቢዎች አዘውትረው የሚፈጸሙ ግዥዎችን አይጨምርም።

2. የመንግሥት መሥሪያ ቤቶች በግዥ መመሪያው ከሚወሰን የገንዘብ መጠን ያልበለጡ ጥቃቅን ግዥዎችን ከአንድ አቅራቢ በሚፈፀም የግዥ ዘዴ በመጠቀም መግዛት ይችላሉ።

3. በዚህ አንቀጽ ንዑስ አንቀጽ /1/ /ሰ/ እና /2/ መሰረት ከአንድ አቅራቢ በቀጥታ ለሚፈፀሙ ግዥዎች ውል መዋዋል አስፈላጊ አይሆንም።

4. 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 Bureau head;

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.

**51. Nidaamka iibka tooska ah**

1. Marka xafiisyadda dawladda ee ku salaynaya fulinta iibka si waafaqsan qodobka (49) 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 iyo wixii lamid ah. Isla markaana u si xor ah qiimaha iyo shuruudaha kaleba ugala gorgortanto tartamaha.
2. Iyadoo arrimaha ku xusan farqadda (3) ee qodobka (43) aan wax loo dhimayn, marka gorgortanku dhamaado ee is-afgarad lagaadho waa in lagu caddeeyo heshiis ay labada dhinacba saxiixeen.
3. Qodobada muhiimka ah ee loo baahan yahay in lagu gorgortamo waa inuu madaxa xafiiska dawladda ee iibka samaynaya ansixiyo oo la siiyo xubnaha uga qayb galaya gorgortanka marka hal tartame oo kaliya tooska looga iibsanayo.

**QAYBTA TODOBAAD**  
**CODSIGA SOO GUDBINTA**  
**BAROOBOSALKA**

**52. Shuruudaha isticmaalka nidaamka iibka codsiga brobosaalada**

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

**53. Nidaamka iibka codsiga brobosaalka**

1. Marka xulashada tartamayaal la xidhiidha Adeega latalintu xaddiga lacageed ee lagu go'aamiyey awaamiirta, xulashada tartameyaashu waxaay noqonaysaa wixii ka dambeeya marka ogeysiis lagu waydiiyo inay codsigooda soo dhaweeyaan inta rabta inay ka qaybgalaan.

**51. ከአንድ አቅራቢ የሚከናወን ግዥ አፈፃፀም**

1. የመንግሥት መሥሪያ ቤቶች በዚህ አዋጅ በአንቀፅ 49 ንዑስ አንቀጽ /1/ በተደነገገው መሠረት ከአንድ አቅራቢ ግዥ ለመፈፀም ሲፈልጉ ግዥውን መፈፀም ያስፈለገበትን ምክንያት እና የሚገዛውን ዕቃ ወይም አገልግሎት ጥራት፣ ብዛት፣ የማቅረቢያ ጊዜና ሁኔታዎች የሚያብራራ መግለጫ ማዘጋጀትና ዋጋን ጨምሮ ከአቅራቢው ጋር በግልፅ መደራደር አለባቸው።
2. በዚህ አዋጅ በአንቀፅ 43 ንዑስ አንቀጽ /3/ የተደነገገው እንደተጠበቀ ሆኖ ድርድሩ ከተካሄደ በኋላ ግዥ ለመፈፀም የሚደረሰው ስምምነት በሁለቱ ተዋዋይ ወገኖች በሚፈረም ውል መረጋገጥ አለበት።
3. ከአንድ አቅራቢ በቀጥታ ለሚፈጸም ግዥ ድርድር የማድረጊያ አትኩሮተ-ነጥቦች ዝርዝር በመንግስት መስሪያ ቤት የበላይ ኃላፊ ፀድቆ ለተደራግጋቸው ሊሰጥ ይገባል።

**ምዕራፍ ሰባት**  
**በመወዳደሪያ ሐሳብ መጠየቂያ የሚፈፀም ግዥ**

**52. በመወዳደሪያ ሐሳብ መጠየቂያ ግዥ ለመፈጸም መሟላት ያለባቸው ሁኔታዎች**

የመንግሥት መሥሪያ ቤቶች በመወዳደሪያ ሐሳብ መጠየቂያ ግዥ መፈፀም የሚችሉት ለምክር አገልግሎት ወይም ከውሉ ጠቅላላ ዋጋ ውስጥ የምክር አገልግሎቱ ዋጋ ከ50 በመቶ በላይ ለሚሆን ግዥ ነው።

**53. በመወዳደሪያ ሐሳብ መጠየቂያ የሚከናወን ግዥ አፈፃፀም**

1. የምክር አገልግሎቱ የሚጠይቀው ወጪ በመመሪያ ከሚወሰነው የገንዘብ መጠን በላይ ከሆነ ዕጩ ተወዳዳሪዎች የሚመረጡት በውድድሩ ተሳታፊ ለመሆን የሚፈልጉ ሀሳባቸውን እንዲገልፁ በማስታወቂያ ከተጋበዙ በኋላ ይሆናል።

**51. Procedure for Direct Procurement**

1. When the public body engages in direct procurement according to Article 49(1) of this Proclamation, 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.
2. Without prejudice to the provisions of sub-article (3) of Article 43 of this Proclamation, any agreement reached to conduct the procurement shall be confirmed by a contract signed by both parties.
3. 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 SEVEN**  
**REQUEST FOR PROPOSALS**

**52. Conditions for use of Request for Proposal**

Public bodies 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.

**53. Procedure for Request for Proposals**

1. 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.

- 2. Xafiiska iibka fulinaaya waxaa laga rabaa 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 cinwaanka xafiiska dawladda ee iibka fulinaaya.
  - t) Qoraalka muujinaya adeega la rabo.
  - j) Marka ay tahay adeeg la-talineed oo keeni karo iska hor imaad (khilaaf) danneed, inay ku caddahay tartankan oo kale tartameyaasha ka soo qayb-galaya ogaysiin loogu sheegayo in looga baahan yahay inay ka reebanaadaan adeega la-talinta kadib hawlaha la qabanayo ee xidhiidhka la leh adeega la-talinta sida alaab-keenis ama shaqooyinka dhismaha.
  - x) Codsiyada brobosaalada shuruudaha lagu qiimaynayo, dhibcaha qiimaha iyo shuruudaha la siinayo, qaabka loo adeegsanayo shuruudahaasi marka la qiimeynayo codsiyada brobosaalada.
  - Kh) Goobta iyo maalinta ugu danbaysa ee la soo gudbinayo codsiga brobosalka.
- 4. Tartameyaasha waa in la siiyo wakhti ku filan oo ay ku soo diyaariyaan brobosalkooda tartanka iyadoo inta muddadu tahay lagu xaddidi doono awaamiirta iibka ee uu Madax-xafiiseedku soo saari doono.
- 5. Xafiiska dawladda ee iibka fulinaya wuxu tartamaha ka kowaad noqday ee la doortay kala gor-gortami karaa khuseeya 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.

- 2. የመወዳደሪያ ሀሳብ መጠየቂያ ከሦስት ላላነሱ እና ከሰባት ላልበለጡ በመንግሥት መስሪያ ቤቱ ለሚመራቱ ዕጩ ተወዳዳሪዎች መላክ ይኖርበታል።
- 3. የመወዳደሪያ ሀሳብ መጠየቂያ ቢያንስ የሚከተሉትን መረጃዎች መያዝ አለበት፡-
  - ሀ/ የመንግሥት መሥሪያ ቤቱን ስምና አድራሻ፤
  - ለ/ የሚፈለገውን አገልግሎት የሚያሳይ የማጣቀሻ ፅሁፍ፤
  - ሐ/ የጥቅም ግጭትን ሊያስከትል የሚችል የምክር አገልግሎት በሚሆንበት ጊዜ ለዚህ ዓይነቱ ውድድር የሚቀርቡ ዕጩ ተወዳዳሪዎች ከምክር አገልግሎቱ በማስከተል ከምክር አገልግሎቱ ጋር በተያያዘ ከሚከናወኑ የዕቃ አቅርቦትና የግንባታ ሥራዎች ራሳቸውን ማግለል የሚገባቸው መሆኑን የሚገልጽ ማሳሰቢያ፤
  - መ/ የመወዳደሪያ ሀሳቦችን መገምገሚያ መስፈርቶችን፣ ለዋጋና ለሌሎች መስፈርቶች ማሰጠው ነጥብ፣ መስፈርቶቹ የመወዳደሪያ ሀሳብ በሚገመገምበት ወቅት ጥቅም ላይ የሚውሉበትን አኳኋን፤
  - ሠ/ የመወዳደሪያ ሀሳብ የሚቀርብበትን ቦታና የመጨረሻ ቀን።
- 4. ዕጩ ተወዳዳሪዎች የመወዳደሪያ ሀሳብ ለማዘጋጀት የሚያስችላቸው በቂ ጊዜ ሊሰጣቸው የሚገባ ሲሆን፣ የጊዜ ገደቡ በግዥ መመሪያ ይወሰናል።
- 5. የመንግሥት መሥሪያ ቤቱ አንደኛ ሆኖ ከተመረጠው ዕጩ ተወዳዳሪ ጋር በመወዳደሪያ ሀሳቡ ውስ የተመለከተውን የአገልግሎቱን ባህሪ፣ መጠን እና አደረጃጀት የሚመለከት ድርድር ማድረግ ይችላል።
- 6. የመንግስት መሥሪያ ቤቱ ከዕጩ ተወዳዳሪዎች መካከል በአሸናፊነት ሊመርጥ የሚችለው በመወዳደሪያ ሀሳብ መጠየቂያ ሰነድ በተመለከተው የመገምገሚያ መስፈርት መሠረት በሚካሄደው ግምገማ ያቀረበው የመወዳደሪያ ሀሳብ ይበልጥ ጠቃሚ ሆኖ የተገኘውን ዕጩ ተወዳዳሪ ነው።

- 2. Requests for proposals shall be addressed to not less than three and not more than seven candidates selected by the public body.
- 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 a 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; such time frame shall be determined by the directive to be issued by the Bureau head.
- 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**

**54. Shuruudaha isticmaalka nidaamka Iibka 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 iibsanayaan tahay mid suuqa loo diyaariyey ama shaqooyinka dhismaha oo suuqa ku caan ah leh ama adeega la-talinta iyo adeegyo kaleba yihiin.

**55. Nidaamka Iibka Qiimo-Sheegta**

1. Xafiisyadda dawladda waxaa looga baahan yahay, haday suuragal tahay, inay alaab-keenayaasha diwaanaka alaab-keenayaasha ku jira ugu yaraan saddex (3) ka mid ah ka codsadaan inay qiimo-sheeg soo gudbiyaan.
2. Iibka qiimo-sheegta lagu fuliyo iib alaab isku mid ah iyadoo ay alaab-keenayaal badani jiraan kuwa gaar ah 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 samaynaya tartamayaasha siiyo mudo ku filan oo ay ku soo diyaariyaan qiimo-sheegga.
5. Xafiiska dawladda ee iibka fulinayaa marka uu dhamays tiro shuruudaha ku xusan qodobkan xarafkaasi (3) waa inuu amarka iibka siiyo tartamaha buuxiya shuruudihii looga baahnaa.

**ምዕራፍ ስምንት**

**በዋጋ ማቅረቢያ የሚፈጸም ግዥ**

**54. በዋጋ ማቅረቢያ ለሚፈጸም ግዥ መሟላት ያለባቸው ሁኔታዎች**

የመንግሥት መሥሪያ ቤቶች በዋጋ ማቅረቢያ ግዥ ለመፈጸም የሚችሉት ግዥው በቢሮ ኃላፊው በሚወጣው የግዥ መመሪያ ከሚወሰነው የገንዘብ መጠን ያልበለጠ እና የሚገዙትም ለገቢያ የተዘጋጁ ዕቃዎች ወይም የታወቀ ገቢያ ያላቸው የግንባታ ዘርፍ ሥራዎች፣ የምክር ወይም ሌሎች አገልግሎቶች ሲሆኑ ነው።

**55. በዋጋ ማቅረቢያ የሚካሄድ ግዥ አፈፃፀም**

1. የመንግሥት መሥሪያ ቤቶች የሚቻል እስከሆነ ድረስ በአቅራቢዎች ዝርዝር ውስጥ ከተመዘገቡ አቅራቢዎች መካከል ቢያንስ ሦስት አቅራቢዎችን የዋጋ ማቅረቢያ እንዲሰጡ ሊጠይቁ ይገባል።
2. በዋጋ ማቅረቢያ ለሚፈጸም 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 እድል መስጠቱን ማረጋገጥ አለበት።
3. በዋጋ ማቅረቢያ ለሚፈጸም ግዥ ለዕጩ ተወዳዳሪዎች የሚላከው መጠየቂያ ሚቀርበውን እቃ ወይም፣ የግንባታ ሥራ፣ ወይም የምክር ወይም ሌላ አገልግሎት ጥራት፣ ብዛት፣ የማቅረቢያ የውል ቃሎች እና ጊዜ እዲሁም ሌሎች የመንግስት መሥሪያ ቤቱን ፍላጎቶች ዝርዝር የሚገልፅ መሆን አለበት።
4. ግዥ የሚፈፀመው የመንግሥት መሥሪያ ቤት ለዕጩ ተወዳዳሪዎች የዋጋ ማቅረቢያ ለማዘጋጀት የሚያስችል በቂ ጊዜ ሊሰጣቸው ይገባል።
5. የመንግሥት መሥሪያ ቤቱ በዚህ አንቀጽ ንዑስ አንቀጽ /3/ የተዘረዘሩትን ተፈላጊ ሁኔታዎች አሟልቶ እና አነስተኛ ዋጋ ላቀረበ ተወዳዳሪ የግዥ ትዕዛዝ ይሰጣል።

**CHAPTER EIGHT**

**REQUEST FOR QUOTATION**

**54. Conditions for use of Request for Quotations**

Public bodies 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 Bureau head.

**55. Procedure for Request of Quotations**

1. Public bodies 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 the same goods, services or works are available, the public body shall not repeatedly invite the 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.



**QAYBTA SAGAALAAD**  
**TARTANKA LABADA HEER AH**

**56. Shuruudaha isticmaalka habka iibka laba-qaayboodka ah**

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

1. Marka aanay xafiiska suuro-gal u ahayn in uu diyaariyo faah-faahin ku filan alaabta, Shaqooyinka iyo adeegyada la gadanayo islamarkaana loo baahdo in xal loo helo sidii baahida iib ee xafiiska loo dabooli 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 dabcigooda ama samayskooda oo aan kala caddayn awgeed ay tartamayaal kasoo qayb gali waayaan tartanka ama intii kasoo qayb gashay lawada tuuray ee la ogaado sabatu sidani u dhacday inay tahay xafiiska 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 dabcigooda ama samayskooda.

**57. Nidaamka Tartanka Laba-qaayboodka ah**

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.

**ምዕራፍ ዘጠኝ**

**በሁለት ደረጃ ጨረታ የሚፈፀም ግዥ**

**56. በሁለት ደረጃ ጨረታ ግዥ ለመፈፀም መሟላት ያለባቸው ሁኔታዎች**

የመንግሥት መሥሪያ ቤቶች በሁለት ደረጃ ጨረታ ግዥን ለመፈፀም የሚችሉት የሚከተሉት ሁኔታዎች ተሟልተው ሲገኙ ብቻ ነው፡-

1. ለሚገዙት ዕቃዎችና አገልግሎቶች በቂ ዝርዝ ማዘጋጀት በመሥሪያ ቤቱ ደረጃ የማይቻል ሆኖ ሲገኝ ወይም አገልግሎቶችን በሚመለከት ባህሪያቸውን ለይቶ ለማሳየት የማይቻል በሚሆንበት ጊዜ እና የመሥሪያ ቤቱን የግዥ ፍላጎት በከፍተኛ ደረጃ ለማሟላት የሚያስችል መፍትሔ ለመፈለግ፤
2. ግዥው የሚካሄደው በገበያ ላይ ሊውሉ የሚችሉ ዕቃዎችን ለማምረት ወይም የምርምር እና የልማት ወጪዎችን ለመተካት እስካልሆነ ድረስ የመንግሥት መሥሪያ ቤቱ የምርመር፣ የሙከራ፣ የጥናት እና የልማት ሥራዎችን ለማከናወን የሚያስችል ውል መፈፀም ሲፈልግ፤
3. ጨረታ እንዲወጣ ተደርጎ በሚገዙት ዕቃዎች፣ የግንባታ ዘርፍ ሥራዎች፣ የምክር እና ሌሎች አገልግሎቶች ባሕርይ ወይም ተፈጥሮ ግልፅ አለመሆን ምክንያት ዕጩ ተወዳዳሪዎች በጨረታው ያልቀረቡ እንደሆነ ወይም የቀረቡት ተጫራቾች ውድቅ ሲደረጉ እና ይኸውም የሆነው መሥሪያ ቤቱ የተሟላ ዝርዝር ማዘጋጀት ባለመቻሉ መሆኑ ሲታመን፤
4. የሚገዙትን ዕቃዎች፣ የግንባታ ዘርፍ ሥራዎች፣ የምክር እና ሌሎች አገልግሎቶች ባሕርይ ወይም ተፈጥሮ አስመልክቶ ከዕጩ ተወዳዳሪዎች ጋር ድርድር ማድረግ ሲያስፈልግ፡፡

**57. የሁለት ደረጃ ጨረታ አፈፃፀም**

1. ጨረታው የሚከናወነው በሁለት ደረጃ የጨረታ ዘዴ ሲሆን፣ በመጀመሪያው ዙር ዕጩ ተወዳዳሪዎች ዋጋን ያልጨመረ የመወዳደሪያ ሀሳብ እዲያቀርቡ በግልፅ ጨረታ ጥሪ ይደረጋል፡፡ የጨረታው ሰነድ ከቴክኒክ ጋር ግንኙነት ያላቸውን መግለጫዎች፣ ጥሪት ወይም የዕቃውን ወይም የአገልግሎቱን ሌሎች ባህሪያት እንዲሁም የአቅርቦቱን ውል ቃሎችና ሁኔታዎች ሊይዝ የሚገባ ሲሆን፣ አግባብነት እስካለው ድረስ የዕጩ ተወዳዳሪዎችን የሙያ እና የቴክኒክ ችሎታ እንዲገልፁ የሚጠይቅ ሊሆን ይችላል፡፡

**CHAPTER NINE**

**TWO - STAGE BIDDING**

**56. Conditions for use of Two-Stage Bidding**

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

1. When it is not feasible for the public body to formulate detailed specifications for the goods or works and in the case of services, to identify their characteristics and, in order to obtain the most satisfactory solution to its procurement needs;
2. When the public body seeks 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 it is necessary for the public body to negotiate with the suppliers.

**57. 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 solicit proposal relating to the technical, quality or 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 soo jeedinta tartamidda ee tartamayaashu keensadeen wareeggii kowaad isagoo ka duulaya baahidiisa 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 ilaalinaya tartamayaasha xogtooda iyo xuquuqdooda lahaanshoba wuxuu tartamayaasha kala hadli karaa fikirka tartamidda ee ay keensadeen.

3. Xafiiska dawladda ee iibka samaynaya isagoo ka duulaya baahidiisa iib ayuu inta uu qiimayn ku sameeyo fikrada tartamidda ee tartamayaashu keensadeen wareeggii kowaad diyaarini faah-faahin 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 faahfaahinta 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 waafaqsan ku soo daro. Dhamaantood arrimaha cusub waa in tartamayaasha lagu wargaliyaa ogaysiinta loogu yeedhayo inay soo gudbiyaan fikirkooda tartan ee ugu dambeeya.

2. የመንግሥት መሥሪያ ቤቱ በመጀመሪያው ዙር የቀረቡትን የመወዳደሪያ ሐሳቦች ከግዥ ፍላጎቱ አንፃር በመገምገም ተቀባይነት ያለው የመወዳደሪያ ሐሳብ ያቀረቡ ተጫራቾችን ይለያል። በዚህን ወቅት የመንግሥት መስሪያ ቤቱ እንደአስፈላጊነቱ ከዕጩ ተወዳዳሪዎች ጋር ስላቀረቡ የመወዳደሪያ ሐሳብ የተወዳዳሪዎችን የጨረታ መረጃ እና የባለቤትነት መብት ጠብቆ ውይይት ሊያደርግ ይችላል።

3. 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 ለማሳወቅ ተጫራቾች ዋጋን ጨምሮ በተሻሻለው ዝርዝር መሰረት የመጨረቻ ሐሳባቸውን እና የጨረታ ማስከበሪያ እንዲያቀርቡ ይጋብዛል።

4. በዚህ አንቀጽ ንዑስ አንቀጽ /3/ በተገለጸው መሠረት መሥሪያ ቤቱ አዲስ ዝርዝር ሲያዘጋጅ በመጀመሪያ የጨረታ ሰነድ ውስጥ ከተቀመጡት ማናቸውም የዕቃው ወይም የአገልግሎቱ የቴክኒክ ወይም የጥራት ባህርያት እና ሰነዶቹን ለመገምገም እና ለማወዳደር እንዲሁም አሸናፊውን ለመምረጥ ከተቀመጡት መስፈርቶች ውስጥ ማናቸውንም ለመሰረዝ ወይም ለማሻሻል ወይም ከዚህ አዋጅ ጋር የሚስማሙ አዳዲስ ባህርያትንና መስፈርቶችን መጨመር ይችላል። እንደዚህ ያሉት ማናቸውም ስረዛዎች፣ ማሻሻያዎች ወይም ጭማሪዎች የመጨረሻ የመወዳደሪያ ሀሳብ እንዲቀርብ በሚተላለፍ ጥሪ ለተጫራቾች መገለፅ አለባቸው።

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 body 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. Faah-faahinta la cusboonaysiiyay iyagoo raacaya tartamayaasha aan rabin inay ka qayb-qaataan wareegga labaad iskood ayay uga hadhi karaan.
- 6. Xafiiska dawladda ee iibka iska lihi wareegga labaad dokumantiga tartanka ee loo keensado, sida ku cad qodobka (41) ee bayaankan oo kale intuu qiimayn ku sameeyo ayuu tartamaha guulaystay xulanayaa.
- 7. Xafiiska dawladda iibka fulinaaya tartamaha kuguuleeystay wuxu la gali karaa gorgortan uu ka reeban yahay qiimuhu.

**QAYBTA TOBNAAD**  
**TARTANKA IIBKA CAALAMIGA**  
**AH**

**58. 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 saaro madaxa xafiisku.
- 2. Waxaa tartanka lagu fulin karaa heer qaran inkastoo qiimahiisu ka sareeyo xaddiga awaamiirta iibka ee uu madaxa xafiisku soo saaro 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<sup>aad</sup> ee bayaankan iyo qodobada hoos ku xusan.
  - b) Ogeysiiska iyo dhukumentiyada tartanka waa in lagu diyaarshaa luuqada 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,

- 5. **በተሻሻለው ዝርዝር መሰረት በሁለተኛው ዙር ጨረታ መሳተፍ ያልፈለጉ ተጫራቾች ራሳቸውን ከውድድሩ ማግለል ይችላሉ።**
- 6. የመንግሥት መሥሪያ ቤቱ በሁለተኛው ዙር የቀረቡ የመጫረቻ ሰነዶችን በዚህ አዋጅ አንቀጽ 41 በተደነገገው መሠረት በመገምገም አሸናፊን ይለያል።
- 7. ጨረታውን ያወጣው የመንግሥት መሥሪያ ቤት በጨረታው ግምገማ ከፍተኛ ውጤት ካገኘው አቅራቢ ጋር ከዋጋ በስተቀር በሌሎች ጉዳዮች ላይ ድርድር ሊያደርግ ይችላል።

**ምዕራፍ አሥር**

**በዓለም ዐቀፍ ውድድር የሚፈጸም ግዥ**

**58. ዓለም አቀፍ ግዥ**

- 1. ዓለም አቀፍ ግልፅ የጨረታ ዘዴ ጥቅም ላይ ሊውል የሚችለው የውጭ ኩንያዎች በጨረታው ተሳታፊ እንዲሆኑ ካልተደረገ በአገር ውስጥ ግልፅ ጨረታ ውጤታማ የሆነ ውድድር ሊኖር እንደማይችል የታመነበት ወይም ግዥው በቢሮው ኃላፊው በሚያወጣው መመሪያ ከተመለከተው የገንዘብ መጠን በላይ ሲሆን ነው።
- 2. በዚህ አንቀጽ ንዑስ አንቀጽ /1/ እንደተመለከተው ግዥው ሚኒስትሩ በሚያወጣው መመሪያ ከተመለከተው የገንዘብ መጠን በላይ ቢሆንም ምርቱ ወይም አገልግሎቱ በአገር ውስጥ ብቻ የሚገኝ መሆኑ ከተረጋገጠ ግዥው በአገር ውስጥ ግልፅ ጨረታ ሊካሄድ ይችላል።
- 3. ዓለም አቀፍ ግዥ በዚህ አዋጅ ምዕራፍ አራት የተጠቀሱትን እና ከዚህ በታች የተዘረዘሩን ሥርዓቶች መከተል አለበት፡-
  - ሀ/ የጨረታው ማስታወቂያ እና የጨረታ ሰነዶች በአንግሊዘኛ ቋንቋ ማዘጋጀት አለበት።
  - ለ/ የጨረታ ማስታወቂያ በተዘጋጀበት በአንግሊዘኛ ቋንቋ በሚታተም፣ በቂ ሥርጭት ባለው እና ዓለም አቀፍ ውድድርን በሚጋብዝ ጋዜጣ እንዲሁም በመመሪያው ላይ በሚገለፀው መሠረት በኤጀንሲው ድረ ገፅ ላይ እንዲወጣ መደረግ አለበት፤

- 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 the provisions of Article 41 of this Proclamation.
- 7. The public body may engage in negotiation with the first ranking bidder concerning any aspect of its bid, except price.

**CHAPTER TEN**  
**INTERNATIONAL COMPETITIVE**  
**BIDDING**

**58. Open International Bidding**

- 1. Open international bidding shall be used whenever in national open bidding an effective competition cannot be obtained unless foreign firms are invited to bid or for procurements above a threshold level for national bidding to be determined by a directive to be issued by the bureau head.
- 2. Procurement may be effected by means of national competitive bidding notwithstanding that the cost of the procurement exceeds the threshold established in the directive 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 Four of this Proclamation as well as the following procedures:
  - a) The invitation to bid 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 worldwide circulation and attracts foreign competition as well as on the Agency's website in the manner prescribed in the directive;

- j) Wakhtiga loogu talo-galay ogaysiisku waa inuu yahay mid ku filan inta uu si fiican u gaadhayo tartameyaasha 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 saaro madaxa xafiisku,
  - x) Qeexida farsamo ee Qalabka, shaqada, iyo adeeguba waa inay illaa xad waafaqsanaadaan halbeegyada u degan qaranka ama caalami ama inay ahaadaan kuwo ku salaysan halbeega si balaadhan loo adeegsado ganacsiga aduunka.
  - Kh) Tartameyaasha waa in loo fasaxo inay qiimaha tartanka iyo dammaanada tartankaba ku keenaan lacagta Ethiopia ee Birta ama lacagta inta badan loo isticmaalo 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 uu madaxa xafiisku soo saaro 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 qiimo-sheegta 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.

ሐ/ የመጫረቻ ሰነድ የማቅረቢያ ጊዜው የጨረታው ማስታወቂያ ለእጩ ተወዳዳሪዎች እዲደርስ ለማድረግ እና ዕጩ ተወዳዳሪዎች የጨረታ መወዳደሪያ ሀሳባቸውን አዘጋጅተው ለማቅረብ የሚያስፈልጋቸውን በቂ ጊዜ የሚፈቅድ መሆን ያለበት ሲሆን፣ በቢሮ ኃላፊው በሚያወጣው መመሪያ ከሚወሰነው ጊዜ ሊያንስ አይችልም፤

መ/ የዕቃና የአገልግሎት ዝርዝር ከአገር ውስጥ ደረጃዎች ጋር የሚጣጣም ሆኖ እስከተቻለ ድረስ በዓለም አቀፍ ደረጃዎች ወይም በዓለም አቀፍ ንግድ በስፋት የሚሰራበትን ደረጃ መሠረት ያደረገ መሆን አለበት፤

ሠ/ ዕጩ ተወዳዳሪዎች የመጫረቻ ዋጋቸውን እንዲሁም የሚያቀርቡትን ማናቸውንም የዋስትና ሰነድ በኢትዮጵያ ብር ወይም በጨረታ ሰነዱ በተመለከተው እና በዓለም አቀፍ ንግድ በስፋት በሚሰራበት የገንዘብ ዓይነት እንዲያቀርቡ መፈቀድ አለበት፤

ረ/ አጠቃላይ እና ልዩ የውል ቃላቶችና ሁኔታዎች በዓለም አቀፍ ንግድ የሚሠራባቸው መሆን ይኖርባቸዋል፡፡

4. የቢሮ 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 በሚፈፀም ግዥ ዘዴ በመጠቀም ግዢውን በዓለም አቀፍ ውድድር መፈፀም ይችላሉ፡፡

c) The time allowed for 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 Bureau head;

d) Technical specifications of the goods, works and services shall be compatible 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 Minister 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 proposals, request for Quotation or direct procurement where it is ascertained that it is impossible to carry out effective procurement without the participation of foreign companies.

**QAYBTA KOW IYO TOBNAAD**

**IIBKA GAARKA AH**

**59. Iibka xaddigiisu badan yahay**

Xafiiska Maaliyada ayaa fulin iibka xaddiga badan ee deegaaanka faa`iidada u leh, ama iibka xafiisyo badani u baahan yihiin iyo xaraashka hantida xadigeedu badanyahay ee dawladdu is dhaafinayso.

**60. Nidaamka Qandaraas-duleedka**

1. Xafiisyada dawladda ee baahidooda iib isku midka yahay ama hal xafiis baahidiisa iib ee muddo xaddidan gudaheeda soo noq-noqota waxaa lagu fulin karaa qandaraas-duleedka ah.
2. Xafiisyo hal ka badan baahidooda muddo xaddidan gudaheeda soo noq-noqota ee iibkooda isku midka ah waxaa heshiiska iib-duleedka ah lagu fulinayaa arrimahaan soo socda:
  - b) Wakaaladu baahida isku midka ah ee Xafiisyada dawladda intuu daristo ayuu faah-faahinta alaabta iyo adeegyadaba diyaarinayaa, Waana inay si joogto ah waxkabel ugu samaysaa.
  - t) Xafiisyada dawladdu faah-faahinta alaabta iyo adeegyada ku xusan Qodobkan farqadiisa (2) xarafkeeda (b) iyagoo raacaya intay ku talagalka baahidooda diyaariyaan ayey guddiga awoodda u leh fulinta iibka u gudbinayaan.
  - j) Xafiisku marka uu fulinayo iibka lagu xeeriyay Qobobka (58) farqaddiisa (1), wuxuu raacaya bayaankan iyo awaamiirta madax-xafiiseedku soo saarayo faah-faahinta lagu caddeeyey, ayuu heshiiska iib-duleedka fulinayaan, maamulayaan.
  - x) Xafiisyada dawladda ee iibka samaynayaa iyagoo raacaya heshiiska iib-duleedka ee la saxiixey ayey alaabta ama adeegga wakhtiga ay u baahanyihiin iyagoo amarka iibka bixinaya ay iibkooda fushanayaan.

**ምዕራፍ አስራ አንድ**

**ልዩ ግዥ**

**59. ከፍተኛ ግዥዎች**

አገራዊ ጠቀሜታ ያላቸውን ከፍተኛ ግዥዎች፣ ከአንድ በላይ በሆኑ የመንግሥት መሥሪያ ቤቶች የሚፈልጉ አቅርቦቶችን ግዥ እንዲሁም የሚገዱ ንብረቶችን ሽያጭ የሚፈፀመው በክልሉ ፋይናንስ ቢሮ አማካይነት ነው።

**60. የማዕቀፍ ስምምነት አፈፃፀም**

1. የመንግሥት መሥሪያ ቤቶች ላላቸው ተመሳሳይ የግዥ ፍላጎት ወይም አንድ የመንግሥት መሥሪያ ቤት በተወሰነ ጊዜ ውስጥ በተደጋጋሚ ለሚኖረው የግዥ ፍላጎት ግዥን በማዕቀፍ ስምምነት መፈፀም ይቻላል።
2. ከአንድ በላይ በሆኑ መሥሪያ ቤቶች በተወሰነ ጊዜ ውስጥ ለሚከናወኑ ተመሳሳይ አቅርቦቶች የማዕቀፍ ስምምነት በሚከተለው ሁኔታ ይፈፀማል፡-
  - ሀ/ ኤጀንሲው የመንግሥት መሥሪያ ቤቶች የሚኖራቸውን ተመሳሳይ ፍላጎት በማጥናት የዕቃና አገልግሎቶች ዝርዝር ያወጣል፤ በየጊዜውም ዝርዝሩን ያዳብራል፤
  - ለ/ የመንግሥት መሥሪያ ቤቶች በዚህ አንቀጽ ንዑስ አንቀጽ /2/ሀ/ በተመለከተው ዝርዝር ውስጥ ለተካተቱት ዕቃና አገልግሎቶች የሚኖራቸውን የፍላጎት ትንበያ አዘጋጅተው ግዥውን እንዲያከናውን ሥልጣን ለተሰጠው አካል ያሳውቃሉ፤
  - ሐ/ በዚህ አዋጅ በአንቀጽ 58/1/ መሠረት የሚቋቋመው አካል በዚህ አዋጅ በተመለከተው እናገባሉ ኃላፊው በሚያወጣው መመሪያ ላይ በሚገለፀው ዝርዝር መሰረት የማዕቀፍ ስምምነት ይፈፀማል፤ ያስተዳድራል፤
  - መ/ የመንግሥት መሥሪያ ቤቶች የተፈረመውን የማዕቀፍ ስምምነት መሠረት በማድረግ ዕቃው ወይም አገልግሎቱ በተፈለገ ጊዜ የግዥ ትዕዛዝ በማስተላለፍ ግዥያቸውን ይፈፀማሉ፤

**CHAPTER ELEVEN**

**SPECIAL PROCUREMENT**

**59. Large Value Procurement**

Large value procurements having significance for Regional State or procurement participated by many public bodies and disposal through auction of large public property shall be executed by the Bureau of Finance.

**60. 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 Agency 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;
  - c) The body to be established in accordance with Article 58(1) of this Proclamation shall conclude and administer framework contracts in the manner prescribed herein and the directive to be issued by the Bureau Head;
  - d) Public bodies shall on the basis of the framework contract signed by making order with the suppliers of goods and services that they require;

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. Sida ku xusan Qodobka (35) farqada (c) ee bayaankan haddii aaney aheyn, heshiiska iib-duleedka qiimahiisa tafaariqda 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 alaab-keenaha heshiiska ay sameysanayaan ayey ku caddaynayaan.
- 4. Heshiiska iib-duleedka isagoo sida iibka tartanka furan ah, haddana wuxuu socon karaa ilaa 3 (saddex) sano.
- 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 faahfaahiyay awaamiirta madaxa xafiisku soo saaro.

**QAYBTA LABA IYO TOBNAAD**  
**MAAMULKA HANTIDA**  
**DAWLADDA**

**61. Guud ahaan**

Iyagoo raacaya awaamiirta uu madax-xafiisku soo saari doono, waxaa madaxa 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.

**62. Hanashada Lahaanshaha**

1. Dhamaan hanashada lahaanshaha hantida dawladdu waa inay ahaato sida ugu waxtarka iyo faa'iidada badan loogu isticmaalo fududaynta fulinta adeeg bixinta iyo joogtaynta hawlaha u ansaxasan xafiiska oo kaliya.

ሠ/ የመንግሥት መሥሪያ ቤቶች ለማዕቀፍ ስምምነት አቅራቢው የግዥ ትዕዛዝ የሚያስተላልፉት የማዕቀፍ ስምምነቱ ከተፈፀመበት ዋጋ፣ የክፍያ እና ሌሎች የአፈፃፀም ሁኔታዎች ጋር በተጣጣመ ሁኔታ ይሆናል።

- 3. በግዥ ትዕዛዝ ላይ በዚህ አዋጅ አንቀጽ 35 በፊደል ተራ /ተ/ በተመለከተው ሁኔታ ካልሆነ በስተቀር ከማዕቀፍ ስምምነቱ የነጠለ ዋጋ ወይም መሰረታዊ በሆኑ ሌሎች የስምምነቱ የውል ሁኔታዎች ላይ ለውጥ ማድረግ አይፈቀድም። ሆኖም በማዕቀፍ ስምምነቱ ያልተካተቱ እና በማዕቀፍ ስምምነቱ ላይ መሰረታዊ ለውጥ የሚያስከትሉ ጉዳዮች የመንግሥት መሥሪያ ቤቱ እና የማዕቀፍ ስምምነቱ አቅራቢ በሚያደርጉት ስምምነት ይወሰናሉ።
- 4. የማእቀፍ ስምምነት የሚፈፀመው በግልፅ ጨረታ የግዥ ዘዴ ሆኖ፣ እስከ ሦስት ዓመታት ድረስ ፀንቶ ሊቆይ ይችላል።
- 5. አንድ የመንግሥት መሥሪያ ቤት በተደጋጋሚ ለሚኖረው የግዥ ፍላጎት ግዥን በማዕቀፍ ስምምነት ሊፈፅም የሚችለው በቢሮ ኃላፊው በሚወጣ መመሪያ የተመለከተውን የአቃ ወይም የአገልግሎት ዋጋ የሚወስንበትን ግልፅ መስፈርት መሠረት በማድረግ ይሆናል።

**ምዕራፍ አስራ ሁለት**

**የመንግሥት ንብረት አስተዳደር**

**61. አጠቃላይ**

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

**62. ንብረትን ስለመያዝ**

1. ማናቸውም የመንግሥት ንብረት በባለቤትነት የመያዝ ብቸኛ ዓላማ የፀደቁትን የመሥሪያ ቤቱን ፕሮግራሞች ለማስፈፀም እና አገልግሎቱን በማፋጠን ውጤታማና ብቁ ለማድረግ መሆን አለበት።

e) The order that public bodies place with the suppliers for goods and services of their requirements under the frame work 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 35 paragraph (k) of this Proclamation, 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 frame work contract.
- 4. The framework contract shall be awarded through open bidding procedure and may remain valid for three years.
- 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 Bureau head.

**CHAPTER TWELVE**  
**PUBLIC PROPERTY**  
**ADMINISTRATION**

**61. 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 of in accordance with the directive to be issued by the Bureau Head.

**62. 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. Wakaalada ayaa hantida dawladdu leedahay ee xafiis kasta oo dawladeed hayo ayuu diiwaangelinaysaa una maamulaysaa markuu u arko inay muhiim tahayna uu in la is- dhaafiyo ka dhigaysa.

**63. Isticmaalka iyo dayactirka**

- 1. Madax Xafiiseed kasta waxaa looga baahan yahay inuu xaqiijiyo in hantida dawladda oo dhamaan loo adeegsaday sida ugu wax tarka badan fulinta mas'uuliyada xafiiska.
- 2. Madax Xafiiseed kasta isagoo raacaya awaamiirta uu madaxa xafiisku 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.

**64. Maareynta Hantida Dawladda**

- 1. Madax xafiiseedyada xafiisyada dawladdu waa inay joogteeyaan hab cimriyeedka maareynta hantida dawladda.
- 2. Madax Xafiiseed kasta waa inuu xaqiijiya in shaykasta oo hantida dawlada ahi u diwaangashan yahay, taariikhaysanyahay, faah-faahinta sheyga, tirada iyo qiimaha oo dhammeystiran laga billaabo taariikhda la soo iibiyey ilaa dhammaadka cimrigooda.
- 3. Madax xafiiseedyada xafiisyada dawladdu waa inay xaqiijiyaan inuu mas'uuliyadda illaalinta hantida maguurtada ah u xil saaranyahay qofka ku shaqeeya hantidaasi iyo in magaca qofka haya iyo meesha hantidaasi taalloba lagu qorey diwaanka hantida maguurtada.
- 4. Madax xafiiseedyada xafiisyada dawladdu waa inay xaqiijiyaan inay alaabta dhammaata ee aan wali la isticmaalin ka mid tahay kaydka alaabta dhammaata oo cid loo xilsaarey xafidaadda kaydkeeda

2. ኤጀንሲው በማናቸውም የክልሉ መንግሥት መሥሪያ ቤት ሥር የሆኑትን የፌዴራሉን መንግሥት ንብረቶች በመንግሥት ንብረትነት ይይዛል፤ ያስተዳድራል፤ ተገቢ ሆኖ ሲያገኝም እንዲወገዱ ያደርጋል።

**63. አጠቃቀም እና ጥገና**

- 1. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ ማናቸውም የመንግሥት ንብረት የመሥሪያ ቤቱን ኃላፊነት ውጤታማ በሚያደርግ መልኩ አገልግሎት ላይ መዋሉን ማረጋገጥ አለበት።
- 2. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ በሚያወጣው መመሪያ መሠረት የመንግሥት ንብረት ኢኮኖሚያዊና ውጤታማ በሆነ መንገድ አገልግሎት እንዲሰጥ ተገቢ የጥገና እና የአንክብካቤ ሥርዓት መዘርጋት አለበት።

**64. የመንግሥት ንብረት አስተዳደር**

- 1. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ የመንግሥት ንብረት ለማስተዳደር የሕይወት ዘመን ሥርዓትን ይከተላል።
- 2. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ የመንግሥት ንብረት ከተያዘበት፣ ከአገልግሎት ወጪ እስከሆነበት ቀን ድረስ ንብረቱ አገልግሎት ያቋረጠበትን ጊዜ፣ የንብረቱን አይነት፣ ብዛቱን እና ያስከተለውን ወጪ የሚያሳይ ዝርዝር ተመዝግቦ መያዙን ማረጋገጥ አለበት።
- 3. የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ የመሥሪያ ቤቱን ማናቸውንም ቋሚ ንብረት የመጠበቅ ኃላፊነት በመጀመሪያ ደረጃ ንብረቱን እንዲገለገሉበት ኃላፊነት ለተሰጣቸው ኃላፊዎች መስጠቱን እና በቋሚ ንብረት መዝገብ የጠባቂዎቹ ዝርዝር እና በእነርሱ ጥበቃ ስር ያሉት ቋሚ ንብረቶች የሚገኙበት ቦታ መስፈሩን ማረጋገጥ አለበት።
- 4. የመንግሥት መሥሪያ ቤቱ የበላይ ኃላፊ ወዲያውኑ ጥቅም ላይ የማይውሉ አላቂ ዕቃዎች በመሥሪያ ቤቱ የሚመለከተው የንብረት ሥራ ክፍል በዕቃ ዝርዝር መዝገብ ውስጥ መካተታቸውንና ለጥበቃቸው ኃላፊ መመደቡን ማረጋገጥ አለበት።

2. The Agency shall account for, administer and where necessary, dispose of property of the Regional Government which is not administered by any other public body.

**63. Use and Maintenance**

- 1. Heads of public bodies shall ensure that all public property is used as productively as possible in carrying out of the responsibilities of the public bodies.
- 2. Heads of public bodies shall establish a proper maintenance system for all public property to ensure that it will operate as economically and effectively as possible in accordance with the directive to be issued by the Bureau head.

**64. Management of Public Property**

- 1. The heads of public bodies shall adopt a lifetime approach to the management of public property.
- 2. 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. 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. 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. In dhammaan kaydka hantida dawladda la tiriyo sanadkiiba mar si marag-muujin looga dhigo diwaankooda.
- 6. Marka aan qiimaha hantida la sugi Karin, waxaa loo qiyaasi hab waafaqsan Awaamiirta uu Madaxa xafiisku soo saaro.
- 7. Qiima dhaca duugawgu keeno ee hantida joogtada ah, waxaa loo xisaabinayaa hab waafaqsan Awaamiirta uu Madaxa xafiisku soo saaro.

**65. Ilaalin iyo xafidaad**

Madaxa Xafiiskasta iyo dhamaan shaqaalaha dawlada waxaa xil ka saaran yahay ilaalinta iyo xafidaada hantida dawladda.

**66. Isdhaafinta Hantida**

- 1. Iyadoo faah-faahinta fulinteeda lagu qeexi doono awaamiirta uu soo saari doono madaxa xafiisku, ayaa waxaa looga baahan yahay madax xafiiseed kasta 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 arimaha lagu sheegay awaamiirta madax-xafiisku soo saaro sideeda ahaaneyso, lacagta laga helo is dhaafinta hantida dawladda waa in lagu shubo qasnadda dhexe dawladda deegaanka.

**67. 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-xafiiseedku soo saarayo ay dhigayso loo tirtiraa.
- 2. Haddii hantida dawladdu hawl-gab noqoto ama la xado ama siyaabahan oo kaleu burburto ama lunto waa in laga tiro diwaanka hantida.

- 5. ማናቸውም የመንግሥት ንብረት ቢያንስ በዓመት አንድ ጊዜ መቆጠር አለበት።
- 6. የመንግሥትን ንብረት ትክክለኛ ዋጋ ለመወሰን ሳይቻል ሲቀር ግምቱ ሚኒስትሩ በሚያወጣው መመሪያ መሰረት ይወሰናል።
- 7. የቢሮው ኃላፊው በሚያወጣው ዝርዝር መመሪያ መሰረት የሚፈጸም ሆኖ በመንግስት ቋሚ ንብረት ላይ የአርጅና ቅናሽ ይሰላል።

**65. መጠበቅና መንከባከብ**

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

**66. ማስወገድ**

- 1. ዝርዝር አፈጻጸሙ ሚኒስትሩ በሚያወጣው መመሪያ የሚሰጥ ሆኖ የመንግሥት መሥሪያ ቤት የበላይ ኃላፊ አገልግሎት የማይሰጡ ንብረቶች መወገዳቸውን ማረጋገጥ አለበት።
- 2. የተወገደ የመንግሥት ንብረት መግለጫና ንብረቱን በማስወገድ የተገኘው ገንዘብ በመንግሥት ሒሳብ ሪፖርት ውስጥ መጠቀሙ አለበት።
- 3. በቢሮ ኃላፊ በሚወጣ መመሪያ የሚወሰነው እንደተጠበቀ ሆኖ፣ የመንግስትን ንብረት በማስወገድ የተገኘ ገቢ ለክልሉ ማዕከላዊ ግምጃ ቤት ገቢ መደረግ አለበት።

**67. መሠረዝ**

- 1. የመንግሥት ንብረት ለሚገኝበት የመንግሥት መስሪያ ቤት ወይም ለሌላ የመንግሥት መሥሪያ ቤት የማይጠቅምና ዋጋ የማያወጣ መሆኑ ሲረጋገጥ ሚኒስትሩ በሚያወጣው መመሪያ መሠረት ይሰረዛል።
- 2. የመንግሥት ንብረት ሲበላሸ፣ ከጥቅም ውጪ ሲሆን፣ ሲሰረቅ ወይም በማናቸውም ሌላ ተመሳሳይ ምክንያት ሲጎድል ወይም ሲጠፋ ከንብረት መዝገብ ይሰረዛል።

- 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 the directive to be issued by the Bureau head.
- 7. Depreciation shall be calculated on fixed assets in accordance with the directive to be issued by the Bureau head.

**65. Protection and Preservation**

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

**66. Disposal**

- 1. Heads of public bodies shall ensure that fixed assets which are not useful to the organization are disposed of in the manner to be prescribed in the directive to be issued by the Bureau head.
- 2. The description and amount received from all public property disposed of shall be included in the public accounts.
- 3. Without prejudice to the provisions of the directive to be issued by the Bureau head, concerning the matter, proceeds from the disposal of public property shall be deposited into the account of the central treasury.

**67. 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 directive to be issued by the Bureau head.
- 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 qiimaheedaba waa in awaamiirta madax-xafiiseedku soo saarayo iyadoo la raacayo warbixinta xisaabaadka dawladda lagu daro oo ay ka muuqato.

68. **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 caawiya fulinta waajibaadka dawladda.

**QAYBTA SADDEX IYO TOBNAAD**

**AASAASIDDA GOLAHA HUBINTA CABASHOYINKA MAAMULKA HANTIDA IYO IIBKA DAWLADDA**

69. **Asaasidda Golaha**

1. Waxaa bayaankan lagu aasaasy Golaha hubinta cabashooyinka oo wixii hadda ka dambeeya loogu yeedhi doono “**Golaha**” oo hubin doona go'aanna ka gaadhi doona cabashooyinka ka dhanka ah geedisocodka iibka iyo wareejinta hantida dawladdu ka maaranto noqonaysa.
2. Golahu wuxu hoos tagayaa Madaxa xafiiska.

70. **Xubnaha Golaha iyo muddo xileedka**

1. Xubnaha golaha waxay noqonayaan xubno laga soo xulay bulshada ganacsatada gaarka ah, Xafiisyada ku haboon ee dawladda iyo shirkadaha horumarinta ee dawladda.
2. Wakaalada ayaa noqonaysa Xoghaya golaha hubinta cabashooyinka iibka.
3. Madaxa xafiisku wuxu magacaabi doonaa xubnaha Golaha, wuxuuna go'aamin doonaa xaddiga gunada guddiga la siinayo iyo qaabka loo bixinayo.

3. ማናቸውም የመንግሥት ንብረት ሲሰረዝ መግለጫውና የንብረቱ የመዝገብ ዋጋ የቢሮ ኃላፊው በሚያወጣው መመሪያ መሠረት በመንግሥት ሒሳብ ሪፖርት ውስጥ ተጠቃልሎ መታየት አለበት።

68. **ማስተላለፍ**

የቢሮ ኃላፊው ለክልሉ መንግሥት መሥሪያ ቤቶች አገልግሎት የማይሰጡ ንብረቶች ለመንግሥትን ኃላፊነት የማገዝ ተግባር ለሚያከናውኑ አካላት በስጦታ የሚተላለፉበትን ሁኔታ በመመሪያ ይወስናል።

**ምዕራፍ አስራ ሦስት**

**በመንግሥት ግዥ እና ንብረት አስተዳደር ላይ የሚቀርብ አቤቱታን የሚጣራ ቦርድ ስለማቋቋም**

69. **ስለቦርዱ መቋቋም**

1. በመንግስት ግዥ አፈፃፀም እና ንብረት አወጋገድ ላይ የሚቀርቡ አቤቱታዎችን አጣርቶ ውሳኔ የሚሰጥ የአቤቱታ አጣሪ ቦርድ (ከዚህ በኋላ “ቦርድ” እየተባለ የሚጠራ) በዚህ አዋጅ ተቋቁሟል።
2. ቦርዱ ተጠሪነቱ ለቢሮ ኃላፊው ይሆናል።

70. **የቦርዱ አባላት እና የስራ ዘመን**

1. የቦርዱ አባላት ከንግዱ ማህበረሰብ፣ አግባብነት ካላቸው የመንግስት መሥሪያ ቤቶች እንዲሁም ከመንግስት የልማት ድርጅቶች የተወጣጡ ይሆናሉ።
2. ኤጀንሲው የግዢ አቤቱታ አጣሪ ቦርድ ፀሐፊ በመሆን ያገለግላል።
3. የቢሮ ኃላፊው የቦርዱን አባላት ይሰይማል። ለቦርድ አባላት የሚከፈለውን አበል መጠን እና የክፍያ አፈፃፀም ይወስናል።

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

68. **Transfer**

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

**CHAPTER THIRTEEN**

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

69. **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. The Board shall be accountable to the Bureau head.

70. **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. The Agency shall serve as the secretariat of the Board.
3. The Bureau head 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. Mudada shaqo ee xubnaha Golahu 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.

71. **Awooda iyo waajibaadka Golaha**

1. Madax-xafiiseedku waxa uu soo saari doonaa isla markaasina fulin doonaa awaamiir qeexaysa nidaamka uu Golahu u shaqaynayo iyo Golaha xilka iyo waajibaadka u yeelanayo. Awaamiirtaasi waxay faahfaahin mabaadii'da guud ee hoos ku qoran:

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

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

j) Golahu marka uu hubinta ku guda jiro haduu u arko inay haboon tahay, wuxuu taageero dhinaca xirfadda in gacan laga siiyo waydiisan karaa oo ka heli karaa shakhsiyaad dawladda ka tirsan ama aan ka tirsanaynba.

2. Golahu wuxuu adeeg xafiis iyo taageero farsamaba ka helayaa Xafiiska.

3. Iyadoo faah-faahinta lagu caddayn doono awaamiirta madaxa xafiiska, Golahu 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 hadduu u qaabilo hadii uu xaqiijiyo in cabashadu aanay sax ahayn.

4. የቦርዱ አባላት የሥራ ዘመን ሦስት ዓመት ይሆናል። ሆኖም የተሰጠውን ሐላፊነት በአግባቡ ያልተወጣ አባል በማንኛውም ጊዜ ከሥራ ዘመኑ መጠናቀቅ በፊት በሌላ አባል ሊተካ ይችላል።

71. **የቦርዱ ሥልጣንና ተግባር**

1. የቦርድ 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 ተወዳዳሪዎች ወይም ከአቅራቢዎች የሚቀርቡ አቤቱታዎችን መርምሮ ውሳኔ ይሰጣል፤

ለ/ ቦርዱ ሥራውን ለማከናወን እንዲረዳው አግባብ ያላቸው ሰነዶች እንዲቀርቡ እንዲሁም የሚመለከታቸው አካላት ስራተኞች ወይም ሐላፊዎች ቀርበው እንዲያስረዱ ሊያዝ ይችላል፤

ሐ/ ቦርዱ አቤቱታ በማጣራት ሂደት ተገቢ ሆኖ ሲያገኘው ከመንግስታዊ ወይም መንግስታዊ ካልሆኑ አካላት ሙያዊ እዝ መጠየቅ እና ማግኘት ይችላል።

2. ቦርዱ የፅህፈት ቤት አገልግሎት እና የቴክኒክ ድጋፍ ከኤጀንሲው ያገኛል።

3. ዝርዝር አፈፃፀሙ የቦርድ ኃላፊው በሚወጣው መመሪያ የሚገልፅ ሆኖ ቦርዱ የቀረበለትን አቤቱታ መርምሮ ከሚከተሉት ተገቢ ነው ብሎ የሚያነውን ውሳኔ ሊሰጥ ይችላል፡-

ሀ/ አቤቱታ የቀረበበት የግዥ ሂደት እንዲስተካከል ወይም እንዲቋረጥ የማዘዝ፤

ለ/ የቀረበው አቤቱታ ተገቢ ሆኖ ካልተገኘ ውድቅ የማድረግ።

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 may be replaced at any time before his term of service expires.

71. **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 its powers and duties; such 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 non-governmental Entities where it finds such assistance to be useful in reviewing and deciding on a complaint submitted to it.

2. The Agency 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. Ayadoo ay tahay xubnaha Golahu inay u gutaan shaqadooda si asluub shaqo ku dheehan tahay, ayaa wuxuu xilka saaran yahay inay soo sheegaan oo geedi-socodkeedana iskaga baxaan danaha iskhilaafaya ee ka yimid ama ka iman kara socodka shaqadooda.

**QAYBTA AFAR IYO TOBNAAD**

**CABASHOYINKA KU SAABSAN FULINTA NIDAAMKA IIBKA IYO WAREEJINTA HANTIDA DUUGA**

**AH EE DAWLADDA**

**72. Guud ahaan**

1. Iyadoo loo hoggaansamayo qoddobada qaybtani tartame kasta wuxuu xor u yahay inuu cabasho u gudbiyo madaxa xafiiska ama Golaha, taasi oo ka dhan ah fal uu sameeyay ama in la sameeyo ahayd 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.
2. Arrimaha hoos ku qeexani way ka reeban yihiin arrimaha laga soo gudbisan karo cabashada ku cad farqada (1) ee qodobkan:
  - b) Doorashada nidaamka iib ee lagu sheegay bayaankan,
  - t) Go'aan xafiiska iibka fulinaaya hab waafaqsan qodobka 28<sup>aad</sup> ee bayaankan ku diido barobosalka ama qiimo-sheegyada.
  - j) Xafiiska dawladdu nidaamku u doortay inuu ku wareejiyo hantida dawladdu ka maarrantay
  - x) Arrimaha 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 intii lagu gudajiray geedi-socodka iibka wax cabasho ah oo ku saabsan looma gudbin karo madaxda xafiisyada dawlada ama Golaha.

4. የቦርድ አባላት ተግባራቸውን በተሟላ ሥነ-ምግባር ማከናወን ያለባቸው ሲሆን በስራቸው አፈፃፀም የተፈጠረ ወይም ሊፈጠር የሚችል የጥቅም ግጭትን የማሳወቅ እና ራሳቸውን ከሂደቱ የማግለል ሐላፊነት አለባቸው።

**ምዕራፍ አስራ አራት**

**በመንግሥት ግዥ አፈፃፀም እና ንብረት አወጋጅ**

**ሂደት ስለሚቀርብ አቤቱታ**

**72. ጠቅላላ**

1. የዚህ ምዕራፍ ድንጋጌዎች እንደተጠበቁ ሆነው፣ ግዥውን በሚፈፀመው ወይም ንብረቱን በሚያስወግደው የመንግሥት መሥሪያ ቤት የተከናወነው ወይም ሳይከናወን የቀረው ተግባር ይህንን አዋጅ እና የአፈፃፀም መመሪያዎቹን ይጥሳል ብሎ የሚያምን ዕጩ ተወዳዳሪ ለመሥሪያ ቤቱ የበላይ ኃላፊ ወይም በደረጃ ለቦርዱ አቤቱታ ሊያቀርብ ይችላል።
2. ከዚህ በታች የተዘረዘሩት በዚህ አንቀጽ ንዑስ አንቀጽ /1/ በተደነገገው መሠረት አቤቱታ ሊቀርብባቸው አይችሉም፡-
  - ሀ/ በዚህ አዋጅ በተደነገገው መሠረት የሚከናወን የግዥ ዘዴዎች ምርጫ፤
  - ለ/ በዚህ አዋጅ በአንቀጽ 28 መሠረት ጨረታን፣ የመወዳደሪያ ሀሳብን ወይም የዋጋ ማቅረቢያን ውድቅ ማድረግ፤
  - ሐ/ የመንግሥት መሥሪያ ቤቱ ንብረቱን ለማስወገድ በመረጠው የማስወገጃ ዘዴ፤
  - መ/ በመንግስት ንብረት አያያዝ እና አጠቃቀም ላይ።
3. የመንግሥት መሥሪያ ቤቱ በጨረታው አሸናፊ ከሆነው ተወዳዳሪ ጋር የግዥ ውል ከፈረመ በኋላ፣ ሂደቱ ከዚህ ደረጃ እስከሚደርስ ድረስ በመሥሪያ ቤቱ በተከናወኑ ወይም ሳይከናወኑ በቀሩ ተግባራት ምክንያት የሚቀርቡ አቤቱታዎች በመንግሥት መሥሪያ ቤቱ ወይም በቦርዱ ሊታዩ አይችሉም።

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 FOURTEEN**

**COMPLAINTS THAT MAY BE LODGED WITH REGARD TO PROCEEDINGS OF PUBLIC PROCUREMENT AND PROPERTY**

**DISPOSAL**

**72. General**

1. Without prejudice 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. 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 28 of this Proclamation;
  - 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 has been signed with the successful bidder.

4. Qodob hoosaadka (3) ee qodobkan arrimaha lagu qeexay waxay dhaqan-galayaan marka shuruudahan hoos ku qorab dhamaystirmaan:

b) Marka inta lagu guda jiray mudada lagu sheegay awaamiirta madaxa-xafiisku soo saaro aan la keenin cabasho ka dhan ah xafiiska dawladda ee iibka leh kadibna sidaasi lagu saxiixo heshiis

t) Marka cabashadii loo soo gudbiyay xafiiska iibka fulinaya jawaab ka celiyay kadibna mudada awaamiirta madaxa-xafiisku soo saaro ay u xaddiday in marka tartamaha guulaystay lagu dhawaaqo heshiiska lagu saxiixi karo oo dhamaatay islamarkaana 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 madaxa-xafiisku soo saaro.

**73. Dib u eegista uu sameeyo madaxa xafiiska dawladda**

1. Cabashada ka dhanka ficiladda uu sameeyay ama inuu sameeyo laga rabay ee uu ka gaabiyay xafiisku waxaa marka hore loo soo dhaweeynayaa madaxa xafiiskaasi.
2. Tartamuhu waa inuu cabashada ku soo dhawaystaa muddo 5 maalmo shaqo ah gudahood oo ka bilaabmaysa maalinta uu ogaaday arrinta cabashada dhaliyay.
3. Cabashada hadaan lagu xalin is-afgarad laba-geesood ah, madaxa xafiisku waa inuu joojiyaa fulinta heshiiska iibka ama wareejinta hantida dawladdu ka maarrantay, marka ay soo gaadho cabashadu mudo 15 maalmo shaqo ah gudahoodna qoraal ku bixiyaa go'aankiisa oo ay ku cadahay sababta loo diiday, haddii la ogolaadayna talabooyinka sixitaan ee la qaadayo.

4. በዚህ አንቀጽ ንዑስ አንቀጽ /3/ የተደነገገው ተፈጻሚ የሚሆነው የሚከተሉት ሁኔታዎች ሲሟሉት፡-

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

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

5. በመንግስት ግዥና ንብረት ማስወገድ ላይ ስለሚቀርብ አቤቱታ እና ዝርዝር አፈፃፀም የቢሮ ኃላፊው በሚያወጣው መመሪያ ይወሰናል፡፡

**73. ለመንግሥት መሥሪያ ቤት የበላይ ኃላፊዎች ስለሚቀርቡ አቤቱታዎች**

1. በመንግስት መሥሪያ ቤቱ በተከናወነ ወይም ሳይከናወን በቀረ ተግባር ምክንያት የሚቀርብ አቤቱታ በመጀመሪያ ደረጃ መቅረብ ያለበት ለመሥሪያ ቤቱ የበላይ ኃላፊ ይሆናል፡፡
2. ዕጩ ተወዳዳሪው አቤቱታውን ሊያቀርብ የሚችለው ለአቤቱታው መሠረት የሆነውን ውሳኔ ካወቀበት ወይም ማወቅ ይገባው ከነበረበት ቀን ጀምሮ 5 የሥራ ቀን ጊዜ ውስጥ ይሆናል፡፡
3. አቤቱታው በሁለቱ ወገኖች መካከል በሚደረግ ስምምነት ካልተፈታ በስተቀር የመንግሥት መሥሪያ ቤቱ የበላይ ኃላፊ የግዥውን ወይም የንብረት ማስወገዱን ሂደት ማገድ እና አቤቱታው ከቀረበበት ቀን አንስቶ በአሥራ አምስት የሥራ ቀን ጊዜ ውስጥ፣ ውሳኔው የተሰጠበትን ምክንያት ወይም አቤቱታው ተቀባይነት ያገኘ ከሆነ የሚወሰደውን የማስተካከያ እርምጃ በመጥቀስ የፅሁፍ ውሳኔ መስጠት አለበት፡፡

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

a) Where the contract has been signed without a complaint being filed with the public body within the time limit prescribed in the directive;

b) Where the public body responds to the complaint lodged and a contract is signed because of the expiration of the time limit 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 determined in accordance with the directive to be issued by the Bureau head.

**73. 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. 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 15 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. Haddii Madaxa xafiiska dawladdu muddada lagu xeeriyay farqada (2) ee qodobkan, go'aan ku bixin waayo ama tartamuhu ku qanci waayo go'aankiisa, tartamuhu wuxuu xaq u leeyahay inuu Golaha mudo 5 maalin shaqo gudaheed ugu soo gudbiyo cabashada ka dhanka ah iibka ama wareejinta hantida dawladdu ka maarantay.

**74. Cabashooyinka loo soo dhawavsto Golaha (Board)**

1. Golahu isla marka ay soo gaadho cabasho dhan ka ah iib fuliyaha, wuxuu la socodsiinayaa xafiiska ay khusayso in cabasho lid ku ah ay Golaha timid. Xafiiskuna isla marka ay soo gaadho ogaysiinta cabashada ka dhanka ah waa in ay joojiyaan wixii arrintaasi la xidhiidha oo dhan illaa Golahu arrintaas go'aan ka gaadhayo.
2. Haddii Golahu aanu cabashada tartamaha aanu diidin:
  - b) Wuxuu ka joojin kara xafiiskaasi inuu qaado talaabo aan sharciga waafaqasanayn,
  - t) Wuxuu amri karaa in xafiiska dawladda ee laga soo cawday raaco nidaam aan ka baxsanayn sharciga 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 xafiisyada dawladda.
3. Golahu 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.
4. Golahu waa inuu go'aan ku gaadho mudo 15 maalmo shaqo ah gudahood marka laga bilaabo maalintay cabashadu soo gaadhay isagoo qeexaya sababaha uu go'aanka u gaadhay iyo tallaabooyinka xalka ah.

4. የመንግሥት መሥሪያ ቤቱ የበላይ ኃላፊ በዚህ አንቀጽ ንዑስ አንቀጽ /3/ በተወሰነው ጊዜ ውስጥ ውሳኔ ካልሰጠ ወይም ተወዳዳሪው በመንግሥት መስሪያ ቤቱ የበላይ ኃላፊ ውሳኔ ያልረካ እንደሆነ የመሥሪ ቤቱ ውሳኔ ለአቤቱታ አቅራቢው መገለጫ ከነበረበት የመጨረሻ ቀን ወይም ውሳኔ የሰጠ ከሆነም ውሳኔው ከተገለጸለት ቀን አንስቶ በሚቆጠር 5 የሥራ ቀን ጊዜ ውስጥ ለቦርዱ አቤቱታ ሊያቀርብ ይችላል።

**74. ለቦርዱ ስለሚቀርብ አቤቱታ**

1. ቦርዱ አቤቱታ ሲቀርብለት ወዲያውኑ አግባብ ላለው የመንግሥት መሥሪያ ቤት አቤቱታ የቀረበ መሆኑን የሚገልፅ ማስታወቂያ በፅሕፈት ቤት በኩል ይልካል። የመንግሥት መሥሪያ ቤቱም ቦርዱ በጉዳዩ ላይ ውሳኔ እስከሚሰጥ ድረስ ማናቸውንም ቀጣይ እንቅስቃሴ ወዲያውኑ ማቆም አለበት።
2. ቦርዱ የፅጩ ተወዳዳሪውን አቤቱታ ውድቅ ካላደረገው በስተቀር፡-
  - ሀ/ የመንግሥት መሥሪያ ቤቱ ሕጉን ያልጠበቀ ተግባር እንደያዘውን እና ውሳኔ እንዳይሰጥ ሊያግድ፤
  - ለ/ አሸናፊውን ተጫራች ከመምረጥ ወይም ውል ከመፈረም ጋር ከተያያዙ ውሳኔዎች በስተቀር የመንግሥት መሥሪያ ቤቱ ሥራውን እንዲያከናውን፤
  - ሐ/ የመንግሥት መሥሪያ ቤቱ ከሕግ ውጪ ያከናውነው ተግባር ወይም የሰጠው ውሳኔ በሙሉ ወይም በከፊል ቀሪ እንዲሆን፤ ውሳኔ ሊሰጥ ይችላል።
3. ቦርዱ በአቤቱታ ላይ ውሳኔ ከመስጠቱ በፊት ስለአቤቱታው ማወቅ ለሚገባቸው አካላት ማሳወቅ፤ ከእነዚህ አካላት የቀረበ መረጃ እና መከራከሪያ ሐሳብ ካለ ይህንኑ መመርመር አለበት።
4. ቦርዱ አቤቱታው ከቀረበለት ቀን አንስቶ በ15 የሥራ ቀናት ውስጥ ለውሳኔው መሠረት የሆኑትን ምክንያቶች በመጥቀስ ውሳኔ መስጠት አለበት።

4. If the head of the public body does not issue a decision within the time stated in sub-article (3) of this Article, 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 has been or should have been communicated to the candidate by the public body.

**74. 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. 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.

**75. Cabashoovinka loo soo dhawavsto Wakaalada**

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 cidada iibsatay hantida lawareejinayo ay sameeyeen fal sharci darro ah ama wax u dhimaysa danihiisa sharciyeed, isagoo talaabooyinka uu qaadayo ee ku xusan dokumantiga tartanka iyo heshiiska qandaraasku ay sidooda ahaanayaan, ayuu arrintan qoraal ugu gudbinayaa Wakaalada
2. Wakaaladu markay xafiisyada dawladda cabasho usoo gudbiyaan, waxay qoraal ay ku caddahay ujeedada cabahsadu oo lagu ogaysiinayo in laga soo cawday u dirayaa tartamihii ama alaab-keenihii ama iibsadihii hantida dawladdu is dhaafinaysay ee laga soo cawday.
3. Wakaalada, markay xaqiijiso in cabashada la hubinteeda iyo in go'aan laga soo saaro ay muhiim u tahay waxay u yeedhi kartaa xubnaha ay arrintu khusayso oo uu wareysto ama xog waydiiyo oo ka helo, wuxuu sidoo kale karaa inuu cid kasta waydiiisto oo ka helo taageero aqooneed.
4. Wakaaladu cabashada u timaada intay si haboon u hubiso ayay laga bilaabo maalinta cabashadu soo gaadho muddo 15 (shan iyo toban) maalin shaqo ah gudahood go'aan kusoo saaraysaa.
5. Sida lagu xeeriyay Qodob hoosaadka (4), ee Qodobkan go'aanka uu Wakaaladu 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 iibsigaa hantida dawladdu is dhaafinayso tartamaha ama alaab-keenaha ama iibsadaha hantida dawladdu is dhaafinayso ee lagu helo inuu dambiile yahay;

**75. ለኤጀንሲው ስላሚቀርብ አቤቱታ**

1. በመንግሥት ግዥ አፈፃፀም እና ንብረት አወጋገድ ሒደት የመንግስት መሥሪያ ቤት ከዕጩ ተወዳዳሪዎች ወይም ከአቅራቢዎች ወይም ከሚወገድ ንብረት ገዥዎች ሕገ-ወጥ የሆነ ወይም ሕጋዊ የሆነ ጥቅሜን የሚጎዳ ድርጊት ተፈፀሙበኝ ብሎ ሲያምን በጨረታ ሰነዱ ወይም በውል ስምምነቱ መሰረት የሚወስዳቸው ዕርምጃዎች እንደተጠበቁ ሆኖ ጉዳዩን ለኤጀንሲው በፅሁፍ ያቀርባል።
2. ኤጀንሲው ከመንግሥት 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።
3. 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።
4. ኤጀንሲው የቀረበለትን አቤቱታ በተገቢው በመመርመር አቤቱታው በቀረበለት በ15 የሰራ ቀናት ጊዜ ውስጥ ይሰጣል።
5. በዚህ አንቀጽ ንዑስ አንቀጽ /4/ መሠረት ኤጀንሲው የሚሰጠው ውሳኔ ከሚከተሉት አንዱን ሊሆን ይችላል፡-
 

ሀ/ ጥፋተኛ ሆኖ የተገኘውን ዕጩ ተወዳዳሪ ወይም አቅራቢ ወይም የሚወገድ ንብረት ገዥ በማኛውም የመንግስት ግዥ እና ንብረት አወጋገድ ሒደት ለተወሰነ ወይም ላልተወሰነ ጊዜ እንዳይሳተፍ የማገድ፤

**75. Review by the Agency**

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 Agency.
2. Upon receipt of the complaint the Agency 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 has been lodged.
3. Where the Agency 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 Agency 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 Agency 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;

- t) In digniin qoraal ah la siiyo;
  - j) In cabashada wax kama jiraan laga dhigoo (la buriyo).
6. Nidaamka Wakaaladu ku hubinayo isla markaasina go'aanka uga soo saarayo cabashooyinka xafiisyada dawladu u soo gudbistaan waxaa lagu faahfaahin awaamiirta uu soo saaro Madaxa xafiisku.

**OAYBTA SHAN IYO TOBNAAD**

**ODOBO KALA GADISAN**

**76. Dambiyada iyo Cigaabtooda**

- 1. Si loo dhaqan-geliyo qodobkan bayaankan Madax xafiiseedka oo xafiis dawladeed ku magacaaban ama ku meelaysan oo:-
  - b) Qaata lacag ka baxsan lacagta sharcigu jideeyey kadib marka uu fulinayo waajibkiisa.
- t) Ka qayb-qaata ama u fududeeyo xaalad lagu musuqayo shaqooyinka arrimaha iibka ama wareejinta hantida dawladu 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 abuuray, isagoo ogg ama diiwaan-geliyey ama bixiya shahaado been-abuura,

Waxaa lagu xukumayaa lacag ganaax ah oo aan ka yarayn 25,000 (shan iyo labaan kun) oo Birr kana badnayn 35,000 (shan iyo soddon kun) oo Bir iyo Xadhig adag oo aan ka yarayn 10 sano kana badnayn 15 sano.

- 2. Xirfadle kasta oo loo shaqaaleeyey inuu fuliyo arrimaha bayaankan lagu xeeriyay, hadii aan si kale loogu ogolaan:
  - 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.

- ለ/ የፅሁፍ ማስጠንቀቂያ የመስጠት፤
  - ሐ/ የቀረበውን አቤቱታ ውድቅ የማድረግ።
6. ኤጀንሲው ከመንግሥት መሥሪያ ቤቶች የሚቀርቡለትን አቤቱታዎች የሚመረመርበትን እና ውሳኔ የሚሰጥበትን አሰራር የሚያሳይ መመሪያ በቢሮ ኃላፊው ፀድቆ ስራ ላይ ይውላል።

**ምዕራፍ አስራ አምስት**  
**ልዩ ልዩ ድንጋጌዎች**

**76. ጥፋቶችና ቅጣቶች**

- 1. ይህንን አዋጅ ለመፈፀም በማናቸውም የመንግሥት መሥሪያ ቤት የተሾመ ወይም የተመደበ ሰው:-
  - ሀ/ በሕግ መሠረት ሊከፈለው ከሚገባ በስተቀር የተመደበበትን ሥራ በማከናወኑ ማናቸውንም ክፍያ ከተቀበለ፤
  - ለ/ ከመንግሥት ግዥ አሰራር እና ንብረት አወጋጅ ጋር በተያያዘ የማጭበርበር ተግባር ፈፀሞ የተገኘ ወይም ሌላ ሰው እንዲያጭበረብር ሁኔታዎችን በማመቻቸት የተባበረ ወይም ያሰረ፤
  - ሐ/ ሕጉን የጣሰ ወይም በሌላ ማንኛውም ሰው ሕጉ እንዲጣሰ ሆነ ብሎ የፈቀደ፤
  - መ/ በፈቃደኝነት በማናቸውም መንገድ ሀሰተኛ ሰነድ ላይ የፈረመ ወይም የመዘገበ ወይም ሀሰተኛ የምስክር ወረቀት የሰጠ፤ ከብር 25ሺ /ከሃያ አምስት ሺህ ብር/ በማያንስና ከብር 35ሺ /ከሰላሳ አምስት ሺህ ብር/ በማይበልጥ የገንዘብ መቀጫና ከ10 ዓመት በማያንስና ከ15 ዓመት በማይበልጥ ፅኑ እስራት ይቀጣል።
- 2. የዚህን አዋጅ ድንጋጌዎች ለማስፈፀም የተቀጠረ ማናቸውም የግዥ እና ንብረት አስተዳደር ባለሙያ በዚህ አዋጅ ይፋ እንዲሆን ከታዘዘው ዓይነት መረጃ በስተቀር:-
  - ሀ/ ባለው ሥልጣን ወይም ኃላፊነት ምክንያት ያወቀውን የሌላ ሰው ማናቸውንም መረጃ ለማናቸውም ሌላ ሰው ወይም የዚህ ሰው ወኪል ለሆነ ሰው አሳልፎ የሰጠ፤

- b) Give a written warning;
  - c) Dismiss the complaint.
6. The head of the Bureau shall establish by a directive the procedure the Agency follows in reviewing and deciding complaints submitted to it in accordance with this Article.

**CHAPTER FIFTEEN**  
**MISCELLANEOUS PROVISIONS**

**76. 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 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 haysan amar maxkamadeed ama hayad kale oo sharci u leh.

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 ee:

b) Arrin la xidhiidha waajibaadkiisa shaqo si toos ah ama dadban dalbada ama gudooma kharash ama hadiyad lacag ama hanti kale dalbada si dammaanad ah.

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 kale ka dhex dhaceen heshiiska:

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 culaysiyo go'aanka ama tallaabada arrin hor taala ama arrimaha mustaqbalka kaga xidhmi Kara.

t) Sameeya khiyaamo la xidhiidha maamulka hantida iyo iibka dawlada, khiyaamada ku gacansiiya ama si uu raali uga noqdo u sahla xaaladaha ku habboon khiyaamada, 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.

ለ/ ማናቸውንም የተሰጠውን ኃላፊነት ለመፈፀም ወይም የሥራ ግዴታውን ለመወጣት እንዲያስችል በመሥሪያ ቤቱ የሚገኘውን መረጃ በፍ/ቤት ወይም ሥልጣን በተሰጠው አካል ትዕዛዝ ካልሆነ በስተቀር ለሦስተኛ ወገን አሳልፎ የሰጠ እንደሆነ፤ ከብር 10ሺ በማያንስ የገንዘብ መቀጫ እና ከ2 /ሁለት/ ዓመት በማያንስ፤ ከ5 /አምስት/ ዓመት በማይበልጥ እስራት ይቀጣል።

3. 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/ በግዥ እና ንብረት አስተዳደር ተግባር ላይ ማጭበርበር ወይም ከዚህ አዋጅ ድንጋጌዎች ጋር ወይም ከተሰጠው ኃላፊነት መልካም አፈፃፀም ጋር የሚቃረን ተግባር ለመፈፀም፣ ማድረግ የሚገባውን ከማድረግ ለመታቀብ፣ ተገቢ ያልሆነን ነገር ለመፍቀድ፣ የማጭበርበር ተግባር ለመደበቅ፣ ወይም በሚስጥር ለመተግበር ውል የገባ ወይም በሚገባው ውል ውስጥ በዚህ ትባር መተባበሩን የሚያሳይ ስምምነት የሰጠ፤ ከብር 50ሺ የማይበልጥ የገንዘብ መቀጫና ከ10 ዓመት በማያንስ ከ20 ዓመት በማይበልጥ ፅኑ እስራት ይቀጣል።

4. ማንኛውም ሰው በመንግሥት ግዥ እና ንብረት አስተዳደር ላይ ለተሾመ ሰው ወይም ለተመደበ ሠራተኛ፡-

ሀ/ የቀረበለትን ውሳኔ በመጠበቅ ላይ ያለውን ጉዳይ ውሳኔ ወይም የሚወስደውን እርምጃ ለማዛባት፤ ወይም

ለ/ በመንግሥት ግዥ አፈፃፀም እና ንብረት አስተዳደር ላይ የማጭበርበር ድርጊት እንዲፈፀም ወይም ድርጊቱ ሲፈፀም እንዲረዳ ወይም እንዲተባበር ወይም ለድርጊቱ መፈፀም ሁኔታዎን ለማመቻቸት እንዲስማማ፣ እንዲመሳጠር ወይም እንዲፈቅድ ለማድረግ በማሰብ ጉቦ ለመስጠት ቃል ከገባለት፣ ካቀረበለት ወይም ከሰጠው፤

ጥፋተኛ ሆኖ መገኘቱ ሲረጋገጥ ከብር 20ሺ ያላነሰ የገንዘብ መቀጫ እና ከ5 ዓመት የማያንስ እና ከ10 ዓመት በማይበልጥ ፅኑ እስራት ይቀጣል።

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 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 employed 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; or

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. person who, promises, offers or gives any bribe to any person appointed/ employed in procurement and property administration with intent:

a) influence the decision or action of any matter that is pending, or may be brought before him

b) to influence that person to commit, or aid in committing any fraud on the procurement, and property administration or to connive at collide in or allow for the commission of any such fraud; is liable on conviction to a fine of not less than Birr 20,000 and imprisonment for a term of not less than five (5) years and not more than ten (10) years,



**77. Awooda Soo Saarista Sharcivada**

1. Golaha Hawl-fulinta ee Deegaanku wuxuu soo saari karaa X/nidaameedyada lagama maarmaanka u ah hirgelinta Qodobada bayaankan.
2. Xafiisku wuxuu soo saari karaa Awaamiirta lagu dhaqangelinayo qodobada Bayaankan iyo xeer-nidaameedka loo soo saaro hab waafaqsan.

**78. Sharcivada Aan Dhaqan Galka Ahayn**

1. Waxaa hab waafaqsan bayaankan loo buriyay Bayaanka Maamulka Hantida iyo Iibka ee Dawlada deegaanka Soomaalida ee bayaan tirsi: 82/2002.
2. Xeer iyo hab-dhaqankasta oo qodobada bayaankan ka soo horjeeda ma laha fulitaan sharci.

**79. Mudada Dhaqangalka Bayaanka**

Bayaankan wuxuu dhaqan galaya laga bilaabo maalinta lagu soo daabaco dhool gazeta.

**JIGJIGA, 2012**

**MUSTAFE MUXUMED CUMAR  
MADAXWEYNE KU XIGEENKA  
AHNA KUSIIMAHA  
MADAXWEYNAHA DAWLADDA  
DEEGAANKA SOOMAALIDA**

**77. ደንብና መመሪያ የማውጣት ሥልጣን**

1. ይህን አዋጅ ለማስፈጸም የአስፋጻሚ ምክር ቤት እንደአስፈላጊነቱ ደንብ ሊያወጣ ይችላል።
2. ቢሮው የዚህን አዋጅ ዓላማዎች ከግብ ለማድረስ እና የአዋጁን ድንጋጌዎች ተግባራዊ ለማድረግ የሚረዱ መመሪያዎችን ሊያወጣ ይችላል።

**78. የተሻሻሉና ተፈጻሚ የማይሆኑ ሕጎች**

1. የሱማሌ ክልላዊ መንግሥት የመንግሥት የግዥ እና ንብረት አስተዳደር ለመድንገግ የወጣው አዋጅ ቁጥር 82/2002. ተሸር በዚህ አዋጅ ተተክቷል።
2. ይህን አዋጅ የሚቃረን ማንኛውም ሕግ፣ ደንብ፣ መመሪያ ወይም የአሠራር ልምድ በዚህ አዋጅ በተሸፈኑ ጉዳዮች ላይ ተፈጻሚነት አይኖረውም።

**79. አዋጁ የሚፀናበት ጊዜ**

ይህ አዋጅ በደል ጋዜጣ ታትሞ ከወጣበት ቀን ጀምሮ የፀና ይሆናል።

**ጁግጁጋ 2012 ዓ.ም**

**ሙስጠፌ ሙሁመድ ዑመር**

**የሱማሌ ክልላዊ መንግሥት ምክትል  
ፕሬዚዳንትና ተጣባባቂ ፕሬዚዳንት**

**77. Power to issue Regulation and Directives**

1. The executive council of the Region may, where necessary, issue regulation for the implementation of this Proclamation.
2. The Bureau may issue directives enabling the realization of the objectives and implementing the provisions of this Proclamation.

**78. Non-Applicable Laws**

1. Somali Regional State Public Procurement and Property Administration Proclamation No 82/2002. Is hereby repealed and replaced by this Proclamation.
2. No law, regulation, directive or practices inconsistent with this Proclamation shall have effect with respect to matters provided for in this Proclamation;

**79. Effective Date**

This Proclamation shall enter into force upon the date of publication in the Dhool Gazeta.

**Done at Jigjiga 2020**

**MUSTAPHE MOHOMED UMER  
INTERIM PRESIDENT OF THE  
SOMALI REGIONAL STATE**