

THE FEDERAL ELECTRONIC GOVERNMENT PROCUREMENT and SALE OF DISPOSABLE PROPERTY DIRECTIVE NUMBER 814/2021

PART ONE: GENERAL

1. Issuing authority

The Ministry of Finance has issued this Directive pursuant to article 31 and 78/2 of the Federal Government Procurement and Property Administration Proclamation No. 649/2001 and article 16/1/f of the definition of powers and duties of the executive organs of the Federal Democratic Republic of Ethiopia Proclamation no. 1097/2011.

2. Short title

This Directive may be cited as “**the Federal Electronic Government Procurement and Sale of Disposable Property Directive no-814/ 2021**”.

3. Purpose of the Directive

The purpose of this Directive is to provide for the electronic system by which Federal public procurement and sale of disposable property is executed through electronic system.

4. Definitions

Unless a different meaning is ascribed to them for the purpose of this Directive, terms used in this directive shall have the same meaning given to them in the Federal Government procurement and property administration Proclamation No. 649/2001 and in the Public procurement and Property administration directives issued thereunder. In addition, in this directive:

1. “**Proclamation**” means the Ethiopian Federal Government Procurement and Property Administration Proclamation No. 649/2009.

2. **“Electronic system”** means the electronic system of Electronic Government procurement and sale of disposable property by which procurement of goods, services or works and sale of disposable property of public bodies is executed using electronic method.
3. **“Annual Procurement Plan”** means a document setting out the schedule and method by which public bodies execute procurement of goods, services or works in accordance with the Electronic system.
4. **“Bidder”** means a natural or juridical person who has been invited or who has applied or submitted bid proposal to participate in public procurement or sale of disposable property in accordance with the Electronic system.
5. **“Supplier”** means a natural or juridical person who has entered into a contract with a public body to supply goods, services or works in accordance with the Electronic system.
6. **“List of Blacklisted Suppliers”** means information containing the list of bidders and Suppliers suspended from participating in public Procurement, which is available on the Website of Public Procurement and property Administration Agency, or which is captured in the Electronic system.
7. **“Disposal”** means the act of getting rid of public property by sale to a third party in accordance with the Electronic electronic system.
8. **“Advertisement of bid”** means an invitation to bid issued by a public body, intending to execute procurement or sale of disposable property in accordance with Electronic system, to invite candidates to participate in the bid.
9. **“Public body”** means a Federal public body selected for pilot implementation of the Public Procurement and Sale of Disposable Property Electronic system.
10. **“Regulatory bodies”** means Federal public bodies authorized by law to exercise regulatory function pertaining to public procurement and property administration and perform regulatory activities in accordance with the Electronic system, and includes the Federal Attorney General, the Federal Auditor General, the Federal Ethics and Anti-Corruption Commission, the Ministry of Finance, the Public Procurement and Property Administration Agency and the Board of Appeal on Public Procurement and property disposal.

11. **“Users of the system”** means persons authorized to carry out activities of public Procurement and sale of disposable property in accordance with the Electronic system, and include various committees, teams, experts, as well as bidders, suppliers and financial institutions.

5. Scope of Application

- 1) This directive shall apply to public procurement and sale of disposable property of Public bodies selected for the pilot implementation of the Electronic system.
- 2) Procedures of public procurement and property Administration which are not covered by the Electronic system shall be executed as per the Public Procurement and Property Administration Proclamation no 649/2009 and the directives issued thereunder.
- 3) Where there is discrepancy between the provisions of this directive and the Public Procurement directive or the Public Property administration directive, the provisions of this directive shall prevail.

6. Means of Communication

- 1) Any Communication, pertaining to public procurement and property administration, among or between the Agency, Public Bodies, bidders, suppliers, financial institutions, committees, teams, experts and other entities specified in this directive shall be made by means recognized by the Electronic system.
- 2) For the purpose of sub Article 1 of this Article Communication includes disclosure of Procurement Plan, Invitation to bid, sale of Bidding document, bid clarification and amendments, pre bid meetings, Bid opening ceremonies, bid evaluation and notification of results, lodging Complaints and response thereto, as well as communication during Contract Administrations and other related activities.
- 3) Any Document shall be deemed Accurate and legally binding as long as it is submitted in Accordance with the electronic system; accordingly it is not necessary to sign and affix stamp on such document.

PART TWO

ROLES and RESPONSIBILITIES

7. Roles and responsibilities of Ministry of Finance

The ministry of Finance shall:

- 1) Authorize pilot public bodies to implement the electronic system.
- 2) In Consultation with appropriate bodies, fix the fee that may be payable for using the electronic system.
- 3) Facilitate the interface between the budget and other financial information of public bodies with the Electronic system.

8. Roles and responsibilities of the Agency

The Agency shall:

- 1) Oversee the implementation of activities of Public procurement and sale of disposable Property in accordance with the electronic system.
- 2) Conduct Audit, Review complaints and report of default and other roles accorded to it in the proclamation in accordance with the electronic system.
- 3) Configure and update applications of the electronic systems, and organize the workflow of the electronic system.
- 4) In Consultation with the ministry of finance, Carry out Coordinated activities with public and private entities that are relevant for the implementation of the electronic system.
- 5) Carry out training and other activities aimed at building the capacity of users of the system in regard to the implementation thereof.
- 6) Authorize users of the system to register on the electronic system as user, and manage the registration.
- 7) Prepare catalogue list by classifying and defining items of goods, works and services based on their nature.
- 8) Disclose to the Public updated and consolidated information on public procurement and sale of disposable property based on the information obtained from the electronic system.
- 9) Consider and Permit request from Public Bodies for the execution of procurement and sale of disposable Property other than through the electronic system where it is satisfied that there exists good ground to justify the request.

- 10) Prepare and update standard Bidding Documents, templates and other documents in such a way that is suitable for the use by the Electronic system.
- 11) Authorize the use of the electronic system by third party enterprises that are under contract with Public bodies to execute functions of Public Procurement and property disposal activities on their behalf.
- 12) In Consultation with Ministry of Finance, permit development partners to use the electronic system and determine the manner in which they use the electronic system.
- 13) Facilitate the conditions in which information listed under art 13 of this directive and other information relevant to the application of the electronic system is disclosed to the Public and disclose such information.

9. Roles and Responsibilities of Information Network Security Agency

The Information Network Security Agency shall:

- 1) Provide Security protection to defend the electronic system against any cyber-attacks that may pose threat on the electronic system.
- 2) Work in Collaboration with the Agency on precautionary measures that may mitigate the vulnerability of the electronic system to security risks and threats.

10. Roles and Responsibilities of the Department, within the Agency, in charge of Administering the Electronic system

The Department in charge of the Administration of the Electronic system shall:

- 1) Follow up and ensure that the electronic system disseminate to bidders, suppliers, public bodies, regulatory bodies, financial institutions and other users, information relevant to the application of the electronic system, and disclose such information.
- 2) Follow up and monitor that the electronic system automatically starts counting the floating period beginning from the first date and time, and closes at the last date and time for bid submission.
- 3) Follow up that the electronic system keeps track of information on the Contract performance of suppliers, and that the information is available to Public bodies in such a way that helps them to use it for future evaluation purpose.
- 4) Ensure that the electronic system is designed in such a way that it captures key procurement performance indicators, and composes various reports.

- 5) Facilitate other conditions for the implementation and application of the electronic system.
- 6) Discharge other roles and responsibilities assigned to it by the head of the Agency.

11. Roles and Responsibilities of the Head of a public Body

The Head of A public Body Shall:

- 1) Ensure that the necessary structure is in place, and that aelectronic system administrator and adequate staffs are assigned to carry out the functions of Public Procurement and property disposal in accordance with the electronic system.
- 2) Assist the staff to carry out the activities of public procurement and sale of disposable property in accordance with this directive and the guideline, and supervise the performance thereof.
- 3) Ensure that Departments, committees, teams and experts within the public body that are involved in public Procurement and property disposal activities, as well as any external body that has working relation with the public in the application of the electronic system are registered in the electronic system and assigned roles in such a way that enables them to carry out their functions.
- 4) Delegate third party enterprises that are under contract with the Public Body to execute, on its behalf, procurement and property Administration Activities in accordance with the electronic system

12. Roles and Responsibilities of Electronic system Administrator of Public Bodies

The Electronic system Administrator in a public Body shall:

- 1) Register and update institutional arrangements and general information applicable to the implementation of the electronic system.
- 2) Cause to register in the electronic system, departments, Committees, teams and experts of the public bodies that have responsibilities in relation to public Procurement and property disposal activities.
- 3) Assign roles to officials and experts specified in sub Art 2 of this article in carrying out activities in relation to Public Procurement and sale of disposable property.

4) In accordance with the responsibility assigned to him by the head of the public body, authorize enterprises that are under contract, and other third parties that have working relation with the public body to use the electronic system.

13. Departments, Committees, teams and employees of a public body whose roles and responsibilities in regard to public Procurement and sale of disposable property are defined in the proclamation no 649/2009 and the directives issued thereunder, shall discharge their duties in accordance with the electronic system.

PART THREE

Registration in the Electronic system

14. Registration of Public Bodies and Regulatory Bodies

- 1) In order to discharge, using the electronic system, the roles and responsibilities vested in them by the relevant laws and this directive, public bodies and regulatory bodies shall register in the electronic system.
- 2) For the purpose of Sub art 1 of this article, the Agency shall facilitate the conditions for public bodies and regulatory bodies to register in the electronic system and assist them in using the electronic system.

15. Registration of Financial Institutions

- 1) In order to provide securities, effect payment and discharge other financial services in relation to Public Procurement and sale of disposable Property, financial Institutions shall register in the electronic system.
- 2) For the purpose of sub article 1 of this article, the Agency shall authorize financial institutions to register in the electronic system, by verifying that they are licensed by the National Bank of Ethiopia.

16. Registration of Bidders

- 1) In order to participate in Public procurement and sale of disposable property, bidders shall register in the electronic system and renew their registration annually.
- 2) Bidders registered as per Sub article 1 of this article may update their details at any time.

- 3) Without prejudice to Sub article 1 and 2 of this article Enterprises and Individuals who provide procurement service shall also be required to register in the electronic system as procurement Enterprises.

PART FOUR

Applicability and Accessibility of the Electronic system

17. Application of the electronic system

- 1) Any bidder participating in public procurement and sale of disposable property shall follow up and ascertain that any security furnished and a payment effected by a financial institution is in accordance with the template prepared for this purpose in the electronic system.
- 2) Where the Agency discovers any error or omission, risk or any other problem in the electronic system, it may, at any time, rectify, modify, suspend or terminate any aspect of the electronic system without prior notice. However, the Agency shall immediately notify the measures taken to those who were using the electronic system.
- 3) The Agency shall not be liable for any incomplete transactions, insufficient time to submit tender, lost user identities, session outages or accidental page closures, network disconnection, damages arising from improper use, negligence or other user action, in connection with the use of the Electronic system.
- 4) Public Bodies shall extend the time for bid submission to make up for time lost or for inaccessibility of information, during the floating period, arising out of their negligence or lack of care.
- 5) No Electronic system Administrators or User of the system shall have access to the information and identity of bidders except authorized users only after the opening of bid proposals.
- 6) The electronic system shall use the agency's Data Center server time as the official reference time for all time-bound activities of procurement and sale of disposable property as well as contract management processes.

- 7) Any User of the system shall properly log out from the electronic system after using the Electronic system to prevent unauthorized use.
- 8) Other electronic system application procedures shall be executed in accordance with the guideline to be prepared for this purpose.

18. Disclosure of Electronic Procurement and Property Information

- 1) The following Public procurement and property Information shall be disclosed to the public without any precondition;-
 - a) Public procurement and property Administration proclamation, the directives issued thereunder, working documents, as well as circulars issued at different time.
 - b) Consolidated Annual procurement plan and Performance report of public Bodies
 - c) Invitation to Bid and Bid Documents for Procurement and sale of disposable property through open tender as well as Selective Procurement methods.
 - d) Technical and financial evaluation results as well identity of the successful bidder.
 - e) Where any Complaint is lodged against the result, information with regard to the main features of the complaint review process in accordance with the template developed for this purpose by the Agency
 - f) Name of the Supplier, object of the procurement or sale of disposable property, Contract period and Price, track record of supplier's Contract performance, and other information required as per the template prepared by the agency to this end.
 - g) Other information that the Agency may prescribe as necessary.
- 2) Public Bodies shall warrant the accuracy or completeness of the information and materials or the reliability of any statement or other information displayed or distributed through the Electronic system.

PART FIVE

IMPLEMENTATION OF THE ELECTRONIC SYSTEM

19. Plan of Public procurement and sale of disposable property

- 1) Public bodies shall prepare, revise and publish their Annual plan of Procurement and sale of disposable property in accordance with the Proclamation and the directives issued thereunder using the electronic system.
- 2) Public bodies may execute procurement through call of Contract, emergency procurement, urgent procurement, procurement through request for quotation or piece meal procurement using the purchase requisition template embedded in the electronic system notwithstanding that such procurements are not included in the plan mentioned in sub article 1 of this article.
- 3) The annual plan to be prepared in accordance with sub article 1 of this article shall contain the details to be specified in the electronic user guideline to be issued hereunder.

20. Methods of Electronic Government Procurement and sale of Disposable property

For the application of the electronic system, methods of Electronic Government Procurement and sale of disposable property are reorganized as follows

20.1 Open Procurement Method

- 1) This method of procurement is applied by publishing the Invitation to bid on the electronic system and on a newspaper having wide circulation, or by other means as necessary in such a way that gives equal opportunity to those bidders having interest to participate in the bid.
- 2) Without prejudice to the special provisions of this directive applicable to the electronic system, this method shall be executed in accordance with the relevant provisions in the proclamation and the directive issued thereunder.

20.2 Selective method of procurement

- 1) Application of the Selective Method of Procurement

Selective method of procurement is a procurement method whereby interested bidders are selected through more than one stages of Competition in such a way that only shortlisted bidders in the first stage will be invited to the second stage of Competition so that the successful bidder is selected from among the shortlisted bidders, and is applied in accordance with the following rules of procedures

- a) Public bodies may allow bidders participating in the first stage to compete in Joint venture or partnership. However, bidders who are shortlisted individually shall not be allowed to compete in Joint venture or partnership with other short listed bidders.
 - b) Bidders participating in the first stage as joint venture or in partnership and shortlisted as such shall not be allowed to compete individually in the next stage bidding.
 - c) The result of the first stage bid evaluation shall be disclosed at the same time to all bidders participating in the bid regardless of whether such bidders have or have not been shortlisted.
- 2) For the Application of selective method of procurement, public bodies may use the two stage bidding, prequalification bid or Expression of Interest as methods of Selection as appropriate.

20.3 Limited method of Procurement

- 1) Limited method of Procurement is a method whereby limited number of bidders is invited through the electronic system by sending the invitation to their private or registered address in the electronic system, and the successful bidder is selected from among the bidders who have submitted their bid proposal in response to the invitation.
- 2) Public Bodies may execute procurement using restricted method of Procurement where the conditions stated under art 49 of the proclamation and the Directive issued thereunder is fulfilled.
- 3) Without Prejudice to sub art 2 of this article public bodies may execute procurement through request for quotation using this method of procurement. However, in doing so they shall follow the procedures applicable to request for quotation prescribed in the proclamation and the directives issued thereunder.

20.4 Direct Procurement

- 1) Subject to the particular provisions laid down in this directive for the purpose of Electronic system, public bodies shall execute direct procurement in accordance with the provisions of the proclamation and the directives issued thereunder.
 - 2) Public Bodies shall immediately register and Upload in the electronic system the documents of Procurement conducted manually from irregular suppliers and piecemeal procurements to solve a problem encountered during travel.
- 21.** For the Application of Open Bid, Restricted Bid and direct procurement Methods, Public Bodies shall use as means of procurement request for Bid, request for proposal, consultant's qualification selection and request for Quotation as may be appropriate.
- 22.** Where it is found necessary to change the procurement method stipulated in the annual Procurement plan during bid Document Preparation, the plan shall be revised accordingly and secure no objection by the head of the Public body.

23. Modalities of Electronic Government Procurement and sale of disposable Property

- 1) Public Bodies shall use the suitable modality of procurement depending on the nature and type of the procurement, following procurement method selected pursuant to the Provisions of article 20 of this directive.
- 2) For the purpose of Sub Article 1 of this article, procurement Modality shall include Purchasing, hiring, renting or leasing under lease agreement.
- 3) Without Prejudice to the Provisions of this article, Public Bodies shall use selling as a modality, from among the modalities in the electronic system, for the execution of sale of Disposable properties.

PART SIX
EXECUTION OF ELECTRONIC PROCUREMENT
AND SALE OF DISPOSABLE PROPERTY

24. Procedures of Electronic Procurement

24.1 Preparation and Sale of Bid Document

- A) For the purpose of preparing Bidding Document for electronic procurement and sale of disposable property, Public Bodies shall use the Standard Bid documents and templates available in the database of the electronicsystem.
- B) The Bidding document shall be made available to bidders through the electronic system against payment of the prescribed fee effected using the electronic system or free of charge as necessary.
- C) During preparation of the Bidding document, Public bodies shall indicate in the Bidding document the Incoterm that foreign bidders use to quote their bid price.
- D) Subject to sub art 24.1(B) of this article, public bodies shall specify in the bidding document the Incoterm that is applicable for the purpose of evaluating local and Foreign Bidders on equal footing in international Bid.
- E) For the application of sub art 24.1 (C) of this article, the information on local costs Public Bodies use for the Purpose of evaluation shall be the information available on or the recent information before the publication of the Bid, and this shall be stated in the Bid Document.

24.2 Invitation To Bid

The Public bodies shall follow the Following Procedures when advertising the invitation to bid using the electronic system.

- A) Prepare the invitation to bid using the electronic template available in the electronic system for this purpose and publish the invitation simultaneously in theelectronicsystem and in a newspaper having wide circulation, as well as by using any other option available as necessary.
- B) The Invitation to Bid published in the newspaper as per sub art 1 of this article shall contain the address of the electronic system where bidders can access the

bidding Document and a statement indicating that the procurement is conducted using the electronic system.

- C) In case of divergence between the invitations to bid published in the electronic system and the newspaper in regard to the content and floating period, the invitation to bid published in the electronic system shall prevail.
- D) The bid floating period shall be decided based on annex 3 attached to the federal public Procurement directive, and the floating period shall commence from the date next following the date on which the invitation to bid is published in the electronic system.

24.3 Pre Bid Meeting

- A) Where Pre bid Meeting is found to be necessary, public bodies shall conduct such meeting using the electronicsystem.
- B) For the Purpose of Sub Article 24.3 (a) of this Article Public bodies shall state in the Bidding document the date and time, as well as the Identification number of the meeting.
- C) Public bodies shall take minutes recording the Proceedings of the meeting, and send same to the participants thereof through the electronic system.

24.4 Modification to Bid document

- A) Where modification to a Bid document is issued within 5 days prior to the bid closing date, the Public Body shall extend the closing date for a minimum of 5 more days so as to give bidders sufficient time to adjust their bid proposal accordingly.
- B) Any modification to a Bid document shall be consolidated with the main bid document, and shall be sent to bidders through their electronic address and published using the electronic system.

24.5 Preparation and Submission of Bid Proposal

- 1) The Preparation and submission of Bid Proposal by bidders to participate in a bid through Electronic Government Procurement and sale of disposable

Property shall follow the procedures laid down in the Proclamation and the directive issued thereunder.

- 2) Without prejudice to sub art 1 hereof, any bid proposal presented for electronic Government and sale of disposable Property shall be prepared and submitted in accordance with the electronicsystem.

24.6 Opening of Bid

When conducting procurement and sale of disposable property through the electronicsystem, Public bodies shall use the following bid opening procedures;

- A) Any bid opening conducted through the electronic system shall be carried out using electronic means of Communication without requiring the physical presence of bidders.
- B) For the Purpose of Bid opening, any bidder shall share the private key assigned to him by the electronic system with the public body within the time frame Prescribed in the bid document. Failure to share the private key within the prescribed time shall result in the bidder being rejected without opening his bid proposal.
- C) During Bid opening, Public Bodies shall open bid proposals of bidders who have shared their private key within the prescribed time.
- D) Where the public body fails to open proposal of bidders who have shared their private key within the prescribed time, head of the Public shall cause the bid proposal to be opened by the bid opening team in the presence of heads of Internal Audit and electronic system Administrator or experts as witnesses.
- E) Notwithstanding the provisions of sub Art (b) and (c) of this article, bidders shall be responsible for protecting the security of their private key.
- F) Public bodies shall take minutes of the bid opening recording the Proceedings of the opening, and disclose same using the electronic system.

25. Electronic Purchasing

- 1) For the Purpose of procurement through request for quotation, procurement through call of Contract, emergency procurement or piece meal procurement Public bodies may use electronic Purchasing procedure embedded in the electronic system.

- 2) For the application of sub art 1 of this article, piece meal procurement means procurement of goods or services or procurements to solve a problem encountered during Travel the value of which is not above the threshold stated in the procurement Directive, and that is not included in the procurement plan.
- 3) Notwithstanding Art 24.3 of the Procurement directive, Public bodies may make open to all bidders, any procurement through request for quotation conducted using the electronic system.
- 4) Without Prejudice to the relevant Provisions in the proclamation and the Directive issued thereunder concerning procurement through request for quotation, public bodies may execute Procurement through request for quotation, where appropriate, with national or international access.

26. Electronic Auction

- 1) Public Bodies may conduct procurement or sale of disposable property by time or round based auction using the electronic system.
- 2) For the purpose of sub article 1 of this article, public bodies, prior to the Commencement of the auction, shall fix the limit of the round or the time as well as the minimum limit in percentage above which bidders, based on the price offered by other bidders, can decrease the price in case of procurement or below which bidders can increase price in case of sale of disposable property in a manner that does not restrict competition between the bidders.
- 3) Without Prejudice to the provisions in the procurement directive concerning bid security, any bidder participating in an electronic auction may submit a bid declaration, in Lieu of bid Security from bank, in accordance with the template prepared by the Agency for this purpose.
- 4) Public Bodies may use Electronic reverse auction only where the following conditions are satisfied:
 - a) for procurement of goods or services that have defined specifications and are readily available;
 - b) for goods or services that have adequate suppliers in the market,

- c) for procurement of goods or services in which price is the sole basis of evaluation
- 5) Public bodies shall follow up that the electronic system immediately discloses the result of the auction to bidders at the end of each round in case of round based auction or at the end of time fixed in case of time based auction.
- 6) Without prejudice to sub article 5 of this article, Public bodies may select the winner based on the result in the last round where no bidder offers price in any round subsequent to the first round.

27. Evaluation of Bid in Electronic Procurement

Without Prejudice to the provisions of the proclamation and directives issued thereunder in regard to bid evaluation, Public Bodies shall conduct electronic procurement bid evaluation **in accordance with** the following bid evaluation procedure.

- 1) The procurement evaluation team shall conduct the evaluation in accordance with the work flow of Procurement evaluation in the electronic system.
- 2) Where prices are expressed in the bid in more than one currency, evaluation of prices shall be conducted, for the Purpose of evaluation, by converting all the currencies in to Ethiopian Birr.
- 3) For the application of sub art 2 of this article, the exchange rate to be used to convert all the currencies in to Ethiopian birr shall be the exchange rate prevailing on and in any of the preceding 28 days from the last date of bid submission, and this date shall be expressly stated in the Bid Document.
- 4) The evaluation team shall select as the winner the Best Evaluated Bidder from among the bidders by conducting evaluation on the basis of the predefined evaluation methodology and criteria.
- 5) The evaluation team shall, as far as possible, pass decisions by consensus; however, if consensus cannot be reached, decisions shall be passed by a majority vote, provided that the chairperson shall have a casting vote in case of a tie.

28. Notification of bid result and the successful Bidder

- 1) The public body shall notify, using the electronic system, the result of the bid for procurement or sale of disposable property to all bidders through their electronic address.

- 2) The result to be notified shall state the reason for not being successful and the rank of each bidder in the competition including the successful bidder, and the letter of notification shall clearly state that any bidder not satisfied with the result has the right to lodge complaint in accordance with the procedure laid down in the proclamation and the directives.
- 3) Where no complaint is lodged or after any complaint is resolved in accordance with complaint review procedure laid down in the Proclamation and the directive issued thereunder, the public body shall give the successful bidder Notification of Award and disclose the information to the public using the electronic system.

PART SEVEN

REVIEW AND RESOLUTION OF COMPLAINT and REPORT OF DEFAULT

29. Procedure for review and Resolution of Complaint

- 1) Any Complaint lodged on Electronic Government or sale of disposable Property bid shall be submitted in accordance with the procedure laid down in the electronicsystem.
- 2) Any candidate not satisfied with the response of the public body to inquiries of candidates concerning any modification on the content of the bid document made by the public body or clarification thereon before the opening of the bid may lodge Complaint directly to the board within five days from the date on which he received or should have received such response.
- 3) A Decision given by the head of a Public Body and the Board shall be accessible to the public through the electronic system, as long as it is not prejudicial to the trade competitiveness of the Complainant, and the Confidentiality of information of the public body.
- 4) Without prejudice to the provisions of article 73/2 and 3, and article 44 of the directive issued thereunder, no complaint shall be lodged on Procurement and sale of disposable property bid conducted by means of request for quotation and auction.

30. Procedure for Review and Resolution of Report of Default

- 1) Any report of Default submitted by Public bodies to the Agency and the decision given thereon shall be in accordance with the procedure laid down in the electronic system.
- 2) The list of Bidders and Suppliers debarred by the agency for any default committed on procurement and sale of disposable property bid conducted using the electronic system, shall, apart from the website of the Agency, be disclosed through the electronic system.

PART EIGHT

CONTRACT ADMINISTRATION

31. Execution and Administration of Contract

- 1) Public bodies shall sign the contract with the successful bidder by downloading the contract document from the electronic system, and upload the signed document on the electronic system.
- 2) Public bodies shall administer activities of contract management such as initiation, planning, executing, monitoring and controlling, and contract closure using the electronic system.
- 3) With the detail to be provided in the Electronic Procurement and sale of Disposable property user guideline, the public body shall, based on the nature and type of the Procurement, specify the appropriate contract modality in the contract Document by selecting from among standard, framework Agreement, purchase order, call off contract, concession or other contract modalities listed in the electronic system.
- 4) Public bodies shall, based on the nature and type of the Procurement, specify the appropriate contract type in the contract Document by selecting from among lump sum, fixed price, unit price or time based contract types listed in the electronic system.
- 5) Public bodies shall keep record of information pertaining to the process in administering contracts entered into with suppliers using the electronic system.
- 6) Without prejudice to sub article 2 of this article, public bodies shall keep and publish, as required by the electronic system, track record of contract performance of suppliers in the electronic system.

- 7) Where the successful bidder cannot or refuses to sign the contract, the Public Body may, by assessing the benefit that may be gained, sign the contract with the second ranked bidder.

PART NIGN

ETHICAL RULES and MEASURES

32. Ethical Rules and Measures in regard to the use of Electronic Government Procurement and Sale of Disposable Property.

Without Prejudice to the ethical rules and measures provided in the Proclamation, the directive and the standard Bid document issued thereunder, any entity using the electronicsystem shall obey the following ethical rules.

- 1) Any system user shall have the obligation to maintain the confidentiality of the passwords, messages, documents or other electronic information that they accessed on account of their duty.
- 2) Except in discharging the roles and responsibilities assigned to them, any system User of a public body shall not have access and pass on to any third party the information of other system users.
- 3) Any system user alleging that his password has been or is likely to be used without his consent or other breach of security has been or is likely to be committed shall report to the agency.
- 4) Any system user shall adhere to electronicsystem security protection measures stipulated in this directive and to be specified in the Electronic Procurement and sale of Disposable property user guideline to be issued hereunder.
- 5) Without Prejudice to any appropriate action that may be taken according to the laws of Ethiopia, if any misinformation is identified or any document is found to be illegal or falsified, the information or the document shall be cancelled, or where it is committed by negligent or intentional act of the system user his user account shall be cancelled from the electronicsystem, as the case may be.

PART TEN

MISCELLANEOUS PROVISIONS

33. Conducting Procurement or sale of disposable property manually

- 1) Where they encounter electronic system or associated problem, Public Bodies may conduct procurement or sale of Disposable property manually, only where they submit request to the agency and obtain Authorization.
- 2) The request that Public bodies submit pursuant to sub art 1 of this article, shall be accompanied by a justification with other appropriate documents explaining the reason for not being able to conduct procurement or sale of Disposable property through the electronic system.

34. Revision of the Directive

The minister may, at any time, revise this directive as necessary

35. Power to Issue user guideline, manual and Other working Documents

The Agency shall issue Electronic Procurement and sale of disposable property user guideline, manual, templates, standard bid documents and other working documents.

36. Repealed and Non-Applicable laws

No directive or manual issued by any federal public body which is inconsistent with this directive shall have effect in respect of matters provided for in this directive.

37. Effective Date

This directive shall enter into force on 27 day of August 2021.

Addis Ababa, 27 day of August 2021

AHMED SHIDE

