

Table of Contents

4	STANDARD CONTRACT DOCUMENTS.....	4-2
4.1	<i>INTRODUCTION.....</i>	4-2
4.2	<i>ERA NCT (Local Funding).....</i>	4-2
4.3	<i>ERA ICB (Local Funding).....</i>	4-3
4.4	<i>WB ICB</i>	4-4
4.5	<i>EU Works</i>	4-4
4.6	<i>OTHERS.....</i>	4-5
	<i>INDEX.....</i>	4-5

4 STANDARD CONTRACT DOCUMENTS

The intention of this Chapter is not to discuss in detail the various contract formats but rather to draw ones attention to the fact that different formats exists and are utilised by different organisations.

The detailed discussion on the various formats and their use is addressed in Volume II of the Project Planning and Procurement Manual - 2006.

4.1 INTRODUCTION

On 12 January 2005 the GoE published, in its Federal Negarit Gazeta, Proclamation 430/2005 entitled "Determining Procedures of Public Procurement and Establishing its Supervisory Agency".

The purpose of this Proclamation was to establish a Supervisory Agency to oversee the procurement of all Goods, Services and Works by all public bodies, which are partly or wholly financed by Federal Government budget and, further, to define the procedures applicable to such procurement.

The proclamation, under Article 55 (2) provided for the issuance of a Directive by the Minister of Finance and Economic Development, for the implementation of the proclamation. This Directive was issued in July 2005.

In general terms this Proclamation and its subsequent Directive established that all Public Procurement undertaken with GoE funds is to be in accordance with rules and guidelines established by the procuring entity and that those undertaken with foreign funds should be in accordance with the rules and guidelines of the funding agency.

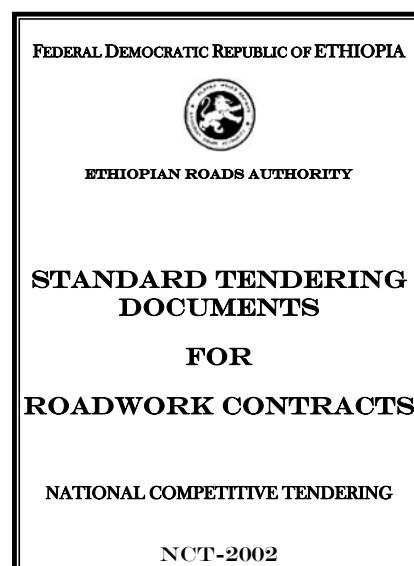
The following sections identify some of the more commonly used contract formats.

4.2 ERA NCB (Local Funding)

The document alongside was produced in 2002 on behalf of ERA for use on its locally funded projects This document is based on the WB NCB document, which in turn is based on the FIDIC IV General Conditions of Contract.

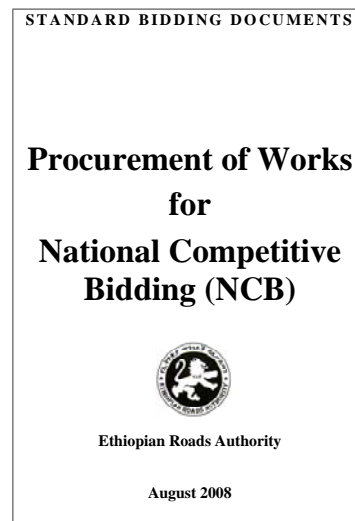
It is not clear why the use of "Tendering" as opposed to "Bidding" has been used for this document but as the words Tender and Bid are by definition in this document the same it is of no consequence.

In January 2006 the PPA issued a new NCB contract format and User guide based on the Multilateral Bank modified version of the FIDIC 1999 General Conditions of Contract. At the time of preparation of this manual ERA had not yet adopted this format.



ERA hold both electronic and hard copy versions of this PPA document. The Hard copies may be found in the ERA Library. Electronic copies of the PPA's document can be obtained from the PPA.

As part of their recent assignment, SMEC International was requested to prepare a set of Standard Bidding Documents suitable for NCB projects funded by the GOE. As a result of this request standard bidding documents have been prepared that follow the new MDB Harmonised Standard Bidding Documents that will be used as the basis for future World Bank and African Development Bank projects. These documents however, use the FIDIC 1999 Conditions of Contract rather than the Multilateral Development Bank Harmonised Edition 2006 because of copyright and licensing condition imposed by FIDIC. The document follows the same format as the MDB Standard Bidding Document and will therefore ensure a greater element of standardisation for procurement for the vast majority of ERA Works projects.



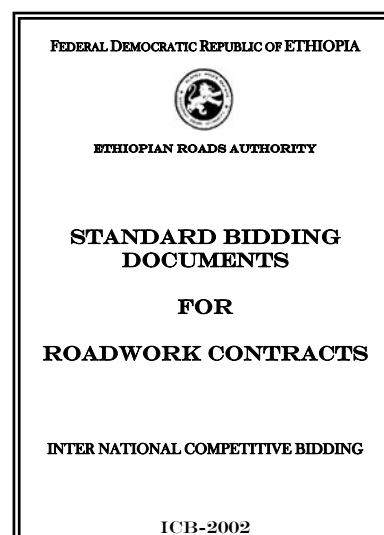
4.3 ERA ICB (Local Funding)

The document alongside was produced in 2002 on behalf of ERA for use on its locally funded projects

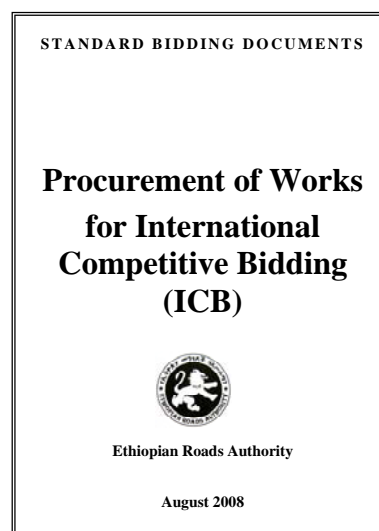
This document is based on the WB ICB document, which in turn is based on the FIDIC IV General Conditions of Contract.

In January 2006 the PPA issued a new ICB contract format and User guide based on the Multilateral Bank modified version of the FIDIC 1999 General Conditions of Contract. At the time of preparation of this manual ERA had not yet adopted this format and as part of their Assignment SMEC have been requested to prepare a set of standard documents for locally funded ICB projects.

ERA hold both electronic and hard copy versions of this document. The hard copies may be found in the ERA library. Electronic copies of the PPA's document can be obtained from the PPA.



As part of their recent assignment, SMEC International was requested to prepare a set of Standard Bidding Documents suitable for NCB projects funded by the GOE. As a result of this request standard bidding documents have been prepared that follow the new MDB Harmonised Standard Bidding Documents that will be used as the basis for future World Bank and African Development Bank projects. These documents however, use the FIDIC 1999 Conditions of Contract rather than the Multilateral Development Bank Harmonised Edition 2006 because of copyright and licensing condition imposed by FIDIC. The document follows the same format as the MDB Standard Bidding Document and will therefore ensure a greater element of standardisation for procurement for the vast majority of ERA Works projects.



4.4 WB ICB

All of the current RSDP WB funded projects use this form, which is based on the FIDIC IV General Conditions of Contract.

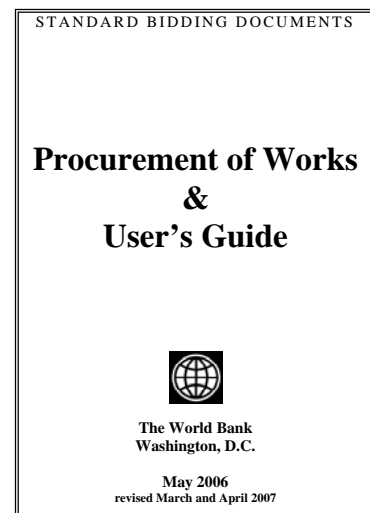
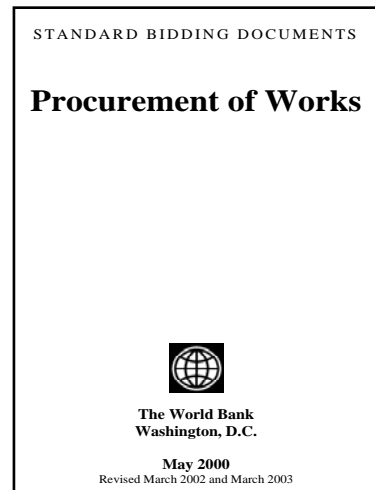
Electronic copies of this document may be obtained from the WB web site at <http://www.worldbank.org/html/opr/procure/contents.html>

This document has been used as the basis for this manual.

In future projects a new set of Standard bidding Documents will be used – these will be based on the recently produced Multilateral Development Bank’s Master Bidding Documents that has resulted from a decision by the MDB’s to harmonise their standard documents for the procurement of works.

Electronic copies of this document can be obtained on the above World Bank web site and hard copies are in the possession of the Engineering Services Procurement Branch at ERA.

The World Bank’s Standard Bidding Documents for Works, Harmonised Edition uses a specially modified version of the FIDIC 1999 Conditions of Contract, now as the MDB Harmonised Edition 2006. This Conditions of Contract has been licensed by the World Bank for used on World bank Funded projects only.



4.5 EU Works

The EU document is the exception to the rule. Its format and form are quite different to the FIDIC base documents used by the other Agencies. These are published in the Official Journal of the European Communities referenced L382 Volume 33 dated 31 December 1990.



4.6 OTHERS

The other funding agencies supporting GoE and ERA e.g. AfDB, ASDI, KfW all utilise FIDIC IV based documents which are very similar in format to the IDA document.

INDEX

ERA Standard Documents		Manual	
ICB	4-3	Project Planning and Procurement	4-2
NCB	4-2	Other Agencies	
EU Standard Documents		Standard Documents	4-3
L382	4-3	Proclamation	
Official Journal	4-3	430/2005	4-2
FIDIC IV	See App 3-5	Applicability	4-2
IDA Standard Documents		Procurement	4-2
Procurement of Works	4-3		
Web Site	4-3		