REPUBLIC OF RWANDA

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Kigali, ku wa 10 APR 2012
N° 010/2012-117/RPPA

MADAMU/ BWANA UMUGENGA W'INGENGO Y'IMARI MURI .....(BOSE)

IMPAMVU: Inama n'ibisubizo bikusanyije kuri bimwe mu bibazo bigaragara mu masoko ya leta

Madamu/ Bwana Mugenga w'Ingengo y'Imari,

Mpereye ku bibazo bimwe na bimwe bitugeraho kandi bikunda kubazwa n'inzego zitandukanye zaba iza leta cyangwa izabikorera ndetse no ku biboneka mu igenzura rikorwa n'abakozi ba RPPA cyangwa iyo RPPA iteguye amahugurwa,

Nshingiye kandi ku Itegeko N°25/11 ryo ku wa 30/6/2011 rishyiraho Ikigo cy'Igihugu Gishinzwe gutunganya amasoko ya Leta "RPPA" rikanagena inshingano n'imiterere bya cyo, nkashingira ku Itegeko N°12/2007 ryo ku wa 27/03/2007 rigenga Amasoko ya leta no ku Iteka rya Minisitiri N° 001/08/10/MIN ryo ku wa 15/01/2008 rishyiraho Amabwiriza agenga amasoko ya leta n'Ibitabo ngenderwaho by'amabwiriza agenga ipiganwa;

Nishimiye kumenyesha inzego zose za leta ko "RPPA" yakusanyije bimwe muri ibyo bibazo ikaba ibohereje inama kugira ngo igikorwa cyo gutanga no gucunga amasoko ya leta kinozwe.

Izo nama zikubiye mu mugereka w'iyi baruwa kandi zikubiyemo na zimwe mu nama RPPA yari yarigeze kubohereza.

Tukaba kandi tubasabye kubikurikiza no kubyubahiriza kuko ibyinshi ni ukubibutsa ibyo itegeko n'amabwiriza ku masoko ya leta biteganya.

Mugire amahoro.

Augustus SEMINEGA
Umuyobozi Mukuru wa RPPA

Bimenyeshejwe:

Bwana Minisitiri w'Imari n'Igenamigambi

Madamu/Bwana Minisitiri (Bose)

Madamu/ Bwana Guverineri w'Intara (Bose)

INAMA N'IBISUBIZO BIKUSANYIJE KURI BIMWE MU BIBAZO BIGARAGARA MU MASOKO YA LETA

1. Gutegura neza igenamigambi ry'amasoko azatangwa, hatangwa amakuru yose akenewe, hakurikijwe "format" yatanzwe na "RPPA" no kuyohererezа iryo genamigambi bitarenze ku wa 31 Nyakanga ku mwaka wa "Financial year" iryo genamigambi ryateguriwe. Iryo genamigambi kandi rikwiye gutangazwa kuri "Website" y'urwego rutanga isoko, ku rubuga rwa internet rwa RPPA kuri http://pps.rppa.gov.rw no kuri dgmarket website : www.dgmarket.gov.rw n'ahasanzwe hamanikwa amatangazo y'urwego rwa leta,

2. Iyo hategurwa igenamigambi ry'amasoko azatangwa ibi bikurikira bikwiye kwitabwaho:

   - Kwirinda gucamo ibice amasoko azatangwa hagenwa neza ubwoko bw'amasoko " Goods, Works, consultancy services na "other sevices" azatangwa no kuyabumbira mubice "packaging " ukurikije ubwoko bwayo kandi hagenwa neza agaciro azatwara kugira ngo hirindwe isesagura ry'umutungo wa leta n'imirimo myinshi iboneka mu itangwa ry'amasoko ya leta,

   - Amasoko kandi ya "non-consultancy services" atangwa kimwe n'amasoko ya "goods". Ni ukuvuga ko hakorwa ifungura n' isesengura rya "bid" rimwe kandi nta manota akoreshwa mu guhitamo uhabwa isoko. Ni ukuvugako kuri "procurement plan" ashyirwa mu cyiciro cy'amasoko ya "goods",

   - Uburyo "procurement methods" bugomba guteganywa ni ipiganwa risesuye "open competitive methods" keretse koko bigaragaye ko ubwo buryo budashoboka. Muri icyo gihe kandi harebwa niba ibikubiye mu Itegeko rigenga amasoko ya leta byubahirijwe mu kugena ubundi buryo butari ipiganwa risesuye,

3. Guteganya ingengo y'imali y'amahugurwa ku bakozi barebwa n'ibijyanye no gutanga no gucunga amasoko ya leta b'urwego rutanga amasoko ya leta,

4. Bimaze kugaragara ko mu masoko menshi ya "consultancy services " hari igihe " Requests for Proposals" ziba zidasobanura neza niba urwego rutanga isoko rushaka gukoresha "consultancy firm" cyangwa umuntu umwe "individual consultancy" ibi bigatuma hari igihe "consultancy firms" zizana "proposals" n'abantu kugiti cyabo bagatanga "CVs" zabo. Ibi rero bigatera urujijo ku nzego za leta aho usanga "firms" zatanze abakozi barenze umwe cg batanga umwe na bwo bagahenda cyane. Urwego rutanga isoko rugomba

kujya rusobanura neza icyo rwifuza, nk'uko Itegeko N° 12/2007 ryo ku wa 27/03/2007 rigenga amasoko ya leta mu ngingo ya 60 igika cya 4 riteganya ko "Inyandiko ihamagarira ipiganwa ishobora gushyikirizwa impuguke zigenga cyangwa ibigo ariko ibyo byiciro byombi ntibishobora guhurizwa mu isoko rimwe",

5. Bimaze kugaragara ko amasoko menshi afite agaciro kari munsi cyangwa kangana na miliyoni eshanu z'amafaranga y'u Rwanda atangwa hakoreshejwe uburyo bwa "Short listing method" nk'aho itegeko riteganya ko amasoko yose afite ako gaciro atangwa muri ubwo buryo,

   Mu by'ukuri amasoko yose ari hejuru ya miliyoni imwe y'amafaranga y'u Rwanda atangwa hakoreshejwe ipiganwa risesuye uretse ayujuje ibiteganywa n'ingingo zerekeye ipiganwa rigenewe abapiganwa bake cyangwa atangwa nta piganwa ribayeho,

   Mbere yo gutanga isoko hakoreshejwe "shortlisting", hakwiye kubanza gusuzumwa niba ibiteganyijwe mu ngingo ya 52 y'itegeko rigenga amasoko ya leta byubahirijwe,

6. Buri rwego rutanga isoko rukwiye kujya rusaba muri "tender document" ko ba rwiyemezamirimo bagomba kubaza no kumenya kandi bagashyira mu biciro byabo imisoro y'imbere mu gihugu itangwa hakurikijwe itegeko ry'imisoro igihugu kigenderaho kandi hakurikijwe ubwoko bw'isoko rigiye gutangwa,

7. Tuributsa buri rwego rwa leta rutanga amasoko gukora inyigo" study/etudes" ku masoko yose y'imirimo y'inyubako " works/travaux" afite agaciro kangana cyangwa kari hejuru ya 10.000.000 Rwf kandi kuri aya masoko hagateganywa uburyo bwo gukurikirana imirimo,

   Bitewe n'ingano y'imirimo, izi serivisi zo gukora inyigo no gukurikirana imirimo zikorwa na biro y'inzobere yemewe cyangwa inzobere yigenga yemewe cyangwa se umukozi ufite ubushobozi wakorana kontaro y'akazi na nyirigikorwa, ku mirimo ifite agaciro kari hejuru ya 50 000 000 Rwf "study/etudes" na "supervision/ surveillance" ikwiye gukorwa na biro yemewe,

8. Ibitabo bikubiyemo amabwiriza agenga ipiganwa"DAO/ToRs" bigomba gutangazwa habanje gusuzumwa neza ko ibisabwa "quantity and quality" ari byo bikenewe n'urwego rutanga isoko kugira ngo hirindwe guhindura ingano na "quality" y'akazi cg ibigemurwa mbere cg nyuma yo gusinya amasezerano,

9. Iyo isoko riciyemo ibice "lots", iyo hasabwe ingwate y'ipiganwa, iyi ngwate yakwa kuri buri "lot" kandi iyo ngwate igomba kuba "montant forfaitaire fixe/

a fixed fee" aho gutangwa mu ijanisha kuko byagaragaye ko ijanisha rivuna ba rwiyemezamirimo ugasanga bamwe bakenera no kumenya ingwate abandi batse muri banki cyangwa mu ma sosiyeti y'ubwishingizi,

10. Mbere yo gutangaza isoko, urwego rwa leta rugomba kuba rwizeye neza ko rufite kuri "budget" ya rwo cg y'abaterankunga ku buryo budashidikanywa amafaranga ahagije yo kwishyura rwiyemezamirimo uzakora iryo soko kugira ngo hirindwe ibibazo bimaze kugaragara by'ubukererwe mu kwishyura ba rwiyemezamirimo,

11. Mu gihe cyo gutangaza isoko mu kinyamakuru gisomwa nabenshi ningombwa kubahiriza iminsi igenwa n'Itegeko N°12/2007 ryo ku wa 27/03/2007 n'Iteka rya Minisitiri N° 001/08/10/MIN ryo ku wa 16/01/2008 rishyiraho amabwiriza agenga amasoko ya leta n'ibitabo ngenderwaho by'amabwiriza agenga ipiganwa. Iyo minsi igatangira kubarwa igihe ikinyamakuru cyasohokeyeho kandi hizewe neza ko n'ibitabo "DAO/ToRs" bikubiyemo amabwiriza agenga ipiganwa byamaze gutegurwa (availability of Bidding documents/ Terms of references at due date),

12. Mbere yo gutangaza isoko, akanama gashinzwe gutanga amasoko ya leta gakwiye kubanza kwemeza ibizashingirwaho "evaluation criteria" mu gukora isesengura ry'inyandiko z'ipiganwa kandi bigashyirwa muri "DAO/ToRs". Ibi kandi nibyo byonyine bikwiye gushingirwaho mu gusesengura inyandiko z'ipiganwa,

13. Mugukora isesengura ry'inyandiko z'ipiganwa, abagize akanama gatanga isoko bakwiye gukora ubushakashatsi ku biciro binyuranye biriho ku isoko rigiye gutangwa n'igereranya rya byo, bigakorerwa inyandikomvugo ikemezwa n'abagize akanama gashinzwe gutanga amasoko, mbere y'isesengurwa ry'inyandiko y'ipiganwa, iyo nyandiko mvugo kandi ikazakurikizwa mu gihe cy'isesengura ry'ibiciro byatanzwe n'abapiganiye isoko,

14. Mu rwego rwo kugabanya amafaranga atangwa ku matangazo y'amasoko mu bi nyamakuru, inzego za leta zirasabwa kujya zitangariza rimwe, aho bishoboka hose, amasoko ajya gusa "combination of several similar tenders" mu itangazo rimwe,

15. Iyo urwego rwa leta rwatangaje isoko mu kinyamakuru, Rwiyemezamirimo ubishatse akwiye kugira uburenganzira bwose bwo kuba yajya kuri urwo rwego akaba yasoma igitabo gikubiyemo amabwiriza y'ipiganwa. Yaba ashatse kukigura akakigura atabishaka ntakigure ariko atambuwe uburenganzira bwo kugisomera ku biro by'urwego rutanga isoko,

16. Iyo urwego rutanga isoko rutangaje isoko ku rwego "national", rwiyemezamirimo "international" afite uburenganzira bwo gupiganira isoko agasabwa ibyangombwa bisanzwe bisabwa iyo apiganiye isoko international,

17. Nta muntu n'umwe ufite uburenganzira na bumwe bwo kutakira "bid" ya rwiyemezamirimo uwariwe wese, iyo ayizanye mbere y'isaha ntarengwa yateganijwe mu gitabo gikubiyemo amabwiriza agenga ipiganwa yitwaje ko ataguze igitabo, atasuye, yakoranye n'abi n'urwego rutanga isoko, atari kuri liste yabatumiwe n'ibindi. "bid" irakirwa igakorerwa isesengurwa kimwe n'izindi zose, noneho rwiyemezamirimo yakurwa mu ipiganwa akamenyeshwa icyamukuyemo,

18. Iyo urwego rwa leta rutangaje isoko hakurikijwe amategeko, noneho hakaza rwiyemezamirimo umwe gusa, uyu rwiyemezamirimo afite uburenganzira bwo kuba yahabwa isoko iyo yujuje ibyasabwe muri "tender document/ToRs". Gusa urwego rutanga isoko rugasuzuma impamvu haje umuntu umwe, byaba ari ukubera amakosa yakozwe n'urwego rutanga isoko agakosorwa ubukurikiyeho, ariko kuba ari rwiyemezamirimo umwe waje, ntibihagije ku mwima isoko. Icyo gihe ariko ni ngombwa cyane kureba ibiciro by'uwo rwiyemezamirimo ko biri mu rugero n'ibiri ku isoko, byaba atariko bimeze isoko rikabona gusubirwamo,

19. Iyo urwego rutanga isoko rwatangaje isoko rukanakira "bids" zaba rwiyemezamirimo, noneho mu gihe cy'isesengura hakabura ufite ubushobozi bwatuma ahabwa isoko cg ababufite bakaba bahenze cyane ugereranyije n'ibiciro biri ku isoko cg hakaba indi mpamvu ituma isoko ridatangwa; urwego rwa leta rugomba ku menyesha abapiganwe ko isoko ritatanzwe rukababwira impmvu. Iyo bibaye ngombwa kongera gutangaza iryo soko, abari baguze "DAO" bakwiye guhabwa "DAO" nshya (niba iyambere yakosowe) ku buntu batongeye kwishyura amafaranga yo kugura igitabo kandi iyo habayeho gusura ahazakorerwa isoko abari barasuye, singombwa ko bongera gusura, keretse ababishaka ku giti cyabo,

20. Mbere yo gufata umwanzuro wa nyuma mu gutanga isoko, abagize akanama gatanga amasoko ya leta muri buri rwego bagomba kubanza gukora ubushakashatsi "due diligence" kuri rwiyemezamirimo ugiye guhabwa isoko kuko bimaze kugaragara ko hari ba rwiyemezamirimo bahimba impapuro nyinshi mu rwego rwo gushaka amasoko,

21. Kugira ngo hirindwe gutakaza igihe kandi haveho "confusion" no mu rwego rwo korohereza abashatse kujuririra ibyemezo byafashwe n'inzego za leta,

"notification letter" igomba kugaragariza abatahawe isoko "unsuccessful bidders" ibyatumye badahabwa isoko,

22. Mu rwego rwo gukorera mu mucyo, "notification letter" ku masoko ya "consultancy services" ikwiye kwereka ba rwiyemezamirimo amanota "scores technique" abandi bapiganwe bagize,

23. Mu rwego rwo kworohereza ba rwiyemezamirimo bataragira uburambe no kuba batarakora imirimo isa cg ingana n'iyo bashaka gupiganira kubera ko bagitangira kwikorera, inzego za leta zirasabwa kujya zemerera ba rwiyemezamirimo bari muri uru rwego gupiganira amasoko ya leta badasabwe uburambe no kuba barakoze imirimo isa cg ingana n'iyo bashaka gupiganira mu masoko afite agaciro gusa gakurikira:

    - Ku masoko y'imirimo y'ubwubatsi "Works" atarengeje miriyoni mirongo itanu 50 000 000 Rwf,
    - Kumasoko ya Service z'impuguke atarengeje agaciro ka 10 000 000 Rwf;
    - Ku masoko y'ibigemurwa atarengeje agaciro 5 000 000 Rwf;

24. Buri rwego rwa leta rutanze isoko rirengeje million ebyiri z'amanyarwanda (2 000 000 Rwf) rukoresheje uburyo "procurement method" bundi butari ipiganwa risesuye "open competitive method" rugomba guhita rubimenyesha Ikigo cy'Igihugu gishinzwe gutunganya amasoko ya leta, amasezerano akimara gusinywa kugira ngo ni biba ngombwa hakorwe igenzura ku mitangire yiryo soko. Iryo menyekanisha kandi rigomba kwerekana n'impamvu yatumye iryo soko ritangwa hadakoreshejwe ipiganwa risesuye,

25. Abagize akanama gatanga amasoko ya leta bakoze isesengura ry'inyandiko z'ipiganwa bagomba gusinya kuri raporo y'isesengura bose. Udasinye kandi yari muri iryo sesengura agomba gutanga impamvu kandi igashyirwa muri iyo raporo. Umugenga w'ingengo y'imari muri buri rwego rwa leta rutanga isoko mbere yo gusinya "notification letter" agomba kubanza kureba niba ibi byubahirijwe byaba bitubahirijwe agasaba ko byubahirizwa,

26. Mu gihe cy'isesengura ry'inyandiko z'ipiganwa"technical references" ziyandikiwe n'upiganwa ntizemerwa. "Technical references" z'imirimo (works) zatanzwe n'abantu bikorera cyangwa inzego z'abikorera zemerwa iyo hari gihamya ko igikorwa gitangwaho "reference" cyakorewe inyigo, harabayeho n'amasezerano yo kubaka n'ayo kugenzura,

27. Kwitondera guha isoko "enterprise" bigaragara ko ifite amasoko menshi mu gihe kimwe, ni ukuvuga guhera kuri atatu. Kugira ngo bimenyekane birasaba kuzajya hongerwamo "format" isaba amakuru upiganwa afite n'aho ageze ashyirwa mu bikorwa "plan de charge" muri "tender document/ToRs",

28. Gusaba sous-détail des prix/ Breakdown prices mu gihe cyo gutegura "DAO/ToRs" kugira ngo izajye yifashishwa mu isesengura ry'inyandiko;

29. Mu rwego rwo korohereza ba rwiyemezamirimo badafite ubushobozi bunini mu bijyanye n'amafaranga, ingwate yo gupiganwa ntikwiye kuba burigihe 2% by'agaciro k'isoko bapiganira. Ikigereranyo cy'ingwate n'agaciro k'isoko cyagenda kigabanuka uko agaciro kiyongera ku buryo bukurikira:

    - Ku masoko arihasi ya 100.000.000 Rwf : 2% ;
    - Ku masoko ari hagati ya 100 000 000-500 000 000 Rwf : 1.5-2%;
    - Ku masoko arihagati ya 500 000 000- 1 000 000 000 Rwf : 1-1.5%;
    - Ku masoko ari hejuru ya 1 000 000 000 Rwf :0.1-1%;

30. Iyo uwatsindiye isoko amaze gusinya amasezerano, urwego rwa leta rutanga isoko rugomba kwihutira gusubiza ingwate z'ipiganwa ba rwiyemezamirimo batanze,

31. Gutangaza ibyavuye mu ipiganwa amasezerano akimara gusinywa n'impande zombi "Buyer and Supplyer " ku rubuga rwa internet rwa buri rwego rutanga amasoko ya leta no kuri dgmarket website: www.market.gov.rw hakurikijwe "format" yatanzwe n'Ikigo cy'Igihugu gishinzwe gutunganya amasoko ya leta **"**RPPA**"**,

32. Ingwate yo kurangiza imirimo ntikwiye kuba burigihe 10% ku ko itegeko riteganya hagati ya 5 - 10%. Yagira agaciro k'icumi ku ijana 10%, bitewe n'uburemere bw'impungenge nyirigikorwa abibonamo,

33. Kubera ko bimaze kugaragara ko "Performance guarantee" zitangwa n'abatsindiye amasoko ya Leta akenshi ziba zifite igihe ntarengwa zimara zifite agaciro "validity period" ugasanga biratera ikibazo ku nzego zimwe na zimwe za leta iyo bibaye ngombwa ko zifatirwa mu gihe zarangiye, inzego za leta zirasabwa igihe cyose hari impinduka ibaye ku masezerano y'isoko kugenzura burigihe ko "performance guarantee" itatakaje agaciro mbere y'uko isoko rirangira neza.

34. Gutegura uburyo bwo gukurikirana imirimo" supervision /surveillance" ku masoko afite agaciro k'imirimo kari munsi ya 50 000 000 Rwf bigakorwa na biro y'inzobere yemewe cyangwa iyi genga yemewe cyangwa se umukozi ubifitiye ubushobozi wa korana kontaro na nyirigikorwa. Munsi y'agaciro kavuzwe bigakorwa gusa na Biro yemewe,

35. Gukora nibura inama ebyiri mu kwezi za "chantier" kugira ngo nyirigikorwa akurikirane neza imirimo irimo ikorwa zikayoborwa kandi nawe cyangwa umuhagarariye,

36. Kubika neza hamwe inyandiko zose zirebana n'isoko rya tanzwe k'ushinzwe amasoko muri buri rwego; kuri iyi ngingo, ushinzwe amasoko ya leta "Procurement Officer" mu rwego rwa leta akwiye no kujya abika kopi zijyanye n'iyishyurwa ry'ibyaguzwe, serivisi za kozwe n'imirimo yakozwe,

37. Ingwate z"avance de demarrage"zigomba kuba zerekana ko "Validity period" yazo irangira ari uko uwahawe isoko amaze kwishyura amafaranga yose y'"avance" yahawe,

38. Buri rwego rwose rwa leta rugomba gushyiraho committe ishinzwe kwakira no kwemeza ko amasoko ya Leta yakozwe neza"reception and inspection committee" mbere yo kwishyura za "factures" ziba zatanzwe na ba Rwiyemezamirimo.

    Izo "committees" zagirwa na bamwe mu bagize akanama gatanga amasoko ya Leta, ushinzwe "logistic" Umukozi ufite aho ahuriye n'isoko ryatanzwe n'umukozi byibura umwe mu bashinzwe gutanga amasoko ya Leta "procurement officer",

39. Mu rwego rwo gushyigikira ipiganwa, byaba byiza amasezerano ya serivisi zitari iz'impuguke *(non- consultancy services* ***e.g.*** *transport, cleaning services, security services, maintenance services*), amaze igihe kitarenze umwaka umwe; icyo gihe gishobora kongerwa inshuro imwe gusa ari uko byagaragajwe mu gitabo cy'amabwiriza agenga ipiganwa;

    Iyo hari impamvu zihariye zituma igihe amasezerano ya servisi zitari iz'impuguke amara kigomba kurenga umwaka kugira ngo Leta yunguke mu mikorere cyangwa mu mafaranga, byaba byiza icyo gihe kibaye hagati y'umwaka umwe n'itanu bitewe no kwita kuri izo nyungu n'ihame ry'ipiganwa,

    Kudategurira isoko igihe ntibiba imwe mu mpamvu zihariye zituma hongerwa igihe amasezerano ya serivisi z'impuguke amara,

    Ikindi kandi, igihe cy'umwaka ushobora kongerwa inshuro imwe gusa kirahagije ku mpamvu yerekeye imirimo ijyanye no gutanga isoko.