

INTERIM ARTICLE 5- The Public Procurement Board specified in Article 53 of this Law shall be appointed within thirty days following the publication date of this Law in the Official Gazette. For the initial appointments to the Public Procurement Board; one each member determined by the Council of Ministers selected among the candidate proposed by the Ministry of Finance and selected among the candidates proposed by the Ministry of Public Works and Settlement shall be on duty for a period of seven years.

The Board, within sixty days following appointments, shall establish its organisation and make the Authority become effective by this date for the realization of its duties defined in this Law.

Until the date at which this Law shall be effective, the principles and procedures of the procurements to be held by the Authority shall be regulated by a regulation to be issued by decision of Council of Ministers upon the request of The Board.

The regulations mentioned in Article 53 of this Law and in the third paragraph above shall be issued by the date on which the Authority begins to operate.

All expenditures of the Authority shall be financed by the general budget sources, until the time when they are met by Authority's own revenues.

INTERIM ARTICLE 6.- (Amendment: 4761/Article 19) Within 1 year from the date of execution of this article;

a) Among the staff charged in public institutions and entities, those who are graduated from the higher education institutions defined in the scope of paragraph (h) of the article no:53 and have obtained the profession through private competition exam, and after a certain period of on-the-job training, have been appointed to office through private qualification exam, and those who are judges, attorneys and the ones regarded as from this profession,

b) The university teaching personnel who have completed at least postgraduate education provided that their branch is in relation with the Authority's field of duty,

c) The ones having bachelor's degree in engineering and architect and have worked in the public institutions and entities as related to their field of study for at least 5 years, and the ones having the post graduate education in one of these fields following their bachelor's degree and who have worked in the public institutions and entities as related to their field of study for at least 3 years,

may be appointed as public procurement experts by the Board through obtaining the approval of their institutions, provided that they have not exceeded 40 years old by a day, and for the ones defined in the sub-paragraphs (a) and (c), provided that they have worked in the field of judgment, inspection, auditing, implementing or consultancy

related to public procurement legislation. .

The personnel who work in the administrations with general and annexed budget, state economic enterprises and their affiliated partnerships, in institutions having juristic personality established by private laws and charged with public duties and institutions with independent budget, may be appointed to the positions of the Authority apart from the public procurement expert and expert assistant positions until 31.12.2003, upon their request and approval of their institutions.

Enforcement

Article 69 – (Amendment: 4761/Article 21) Article 53, and interim Articles 1, 5 and 6 of this Law shall be effective on the publication date, whereas the other articles shall enter into force on 1.1.2003.

Execution

Article 70 – The Council of Ministers shall execute the provisions of this Law.

Provision of law no: 4761 which is not applicable to Law no: 4734 on Public Procurement

ARTICLE 20. The salaries, financial and social rights and benefits for the Chairman and members of the boards, supreme boards, , institutions and organizations which were established or to be established until 31.12.2006, through the private laws possessing the form of public legal entities and administrative and financial independence shall be determined by the Council of Ministers taking into account the functions of these boards, supreme boards, institutions and organizations, wage equity and the practice of provisional article 1 of the Decree of Law no:631. When necessary, the Council of Ministers has the authority to increase the ceiling job-lot price of representation and duty indemnities up to the amount as three times as the ones which are being paid to civil servants, and to make arrangements in the increased amount in respect to staff position and titles, in order to ensure wage equity.

Until the above mentioned arrangement is made, The Chairman of the Public Procurement Authority, is paid as total of net amount monthly and other payments as the Chairman of the Energy Market Regulation Authority is paid, and the members of the Public Procurement Board are paid monthly on the net amount of the 97 % of the total amount paid to the Chairman of the Board.

Provisions of Law no: 4964 which are not applicable to the Law no: 4734, on Public Procurement

INTERIM ARTICLE 1. - Tender documents, form contracts and regulations which need to be rearranged because o

the amendments on the Laws no: 4734 and 4735 made by this Law shall be prepared by Authority within 60 days as of publication date of this law and shall be put into force. Arrangements made by this law on monetary limits in Law no:4734 and newly added monetary limits shall be updated by the Authority as of 1.1.2003, within the framework of the principles of article 67 of Law no:4734, accepting those limits were valid on 22.01.2002., Contracting Entities shall continue to implementing the provisions of existing principles, procedures and regulations until the above mentioned arrangements become effective.

Principles and procedures need to be prepared and become effective due to the amendments made on 3rd and provisional 4th articles of Law no:4734 shall be prepared within 30 days as of publication date of this law and put into force. Contracting Entities shall continue to implementing the principles and procedures which were prepared and became effective prior to amendments made by this law, based on formerly executed 3rd and provisional 4th articles of Law no:4734, until those arrangements are published,. Works procurements, which the institutions benefiting from the exception provision in paragraph (g) of the 3rd article of Law no:4734 are contractors under contracts, shall be subject to the exception provisions proposed in the same paragraph for a period of ten years.

ARTICLE 50.- Article 41 of this law shall become effective on January 1st, 2004, while the others shall come into force on publication date.

ARTICLE 51.- Council of Ministers shall execute the provisions of this Law.

* has been published in Official Gazette which is numbered 25215 and dated 31.08.2003 by Communique of Public Procurement Authority, numbered 2003/8 and has covered the period of 15.08.2003-31.01.2004

* has been published in Official Gazette which is numbered 25000 and dated 21.01.2003 by Communique of Public Procurement Authority, numbered 2003/1, and has covered the period of 01.02.2003-31.01.2004

* has been published in Official Gazette which is numbered 25215 and dated 31.08.2003 by Communique of Public Procurement Authority, numbered 2003/8 and has covered the period of 15.08.2003-31.01.2004

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** has been published in Official Gazette which is numbered 25000 and dated 21.01.2003 by Communique of Public Procurement Authority, numbered 2003/1 and has covered the period of 01.02.2003-31.01.2004

[1] The statement of "Bank" has been omitted from the title with 22nd article of Law no:4964

* has been published in Official Gazette which is numbered 25000 and dated 21.01.2003 by Communique of Public Procurement Authority, numbered 2003/1 and has covered the period of 01.02.2003-31.01.2004

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