会計法（第四章）

Public Accounting Act (Chapter IV)

（昭和二十二年三月三十一日法律第三十五号）

(Act No. 35 of March 31, 1947)

第四章　契約

Chapter IV Contracts

第二十九条　各省各庁の長は、第十条の規定によるほか、その所掌に係る売買、貸借、請負その他の契約に関する事務を管理する。

Article 29 In addition to the matters prescribed in Article 10, Heads of Ministries and Agencies manage administration in connection with contracts under their jurisdiction, such as those for sales and leases, and contracts for work.

第二十九条の二　各省各庁の長は、政令の定めるところにより、当該各省各庁所属の職員に前条の契約に関する事務を委任することができる。

Article 29-2 (1) Heads of Ministries and Agencies may delegate administrative affairs relating to contracts referred to in the preceding Article to the officials within their ministries or agencies, pursuant to the provisions of Cabinet Order.

２　各省各庁の長は、必要があるときは、政令の定めるところにより、他の各省各庁所属の職員に前項の事務を委任することができる。

(2) Heads of Ministries and Agencies may, when necessary, delegate the administrative affairs referred to in the preceding paragraph to officials within other ministries or agencies, pursuant to the provisions of Cabinet Order.

３　各省各庁の長は、必要があるときは、政令の定めるところにより、当該各省各庁所属の職員又は他の各省各庁所属の職員に、契約担当官（各省各庁の長又は第一項若しくは前項の規定により委任された職員をいう。以下同じ。）の事務の一部を分掌させることができる。

(3) Heads of Ministries and Agencies may, when necessary, allot a portion of the administrative affairs of Contract Officers (meaning Heads of Ministries and Agencies or officials delegated pursuant to the provisions of paragraph (1) or the preceding paragraph; the same applies hereinafter) to officials within their ministries or agencies or to officials in other ministries or agencies, pursuant to the provisions of Cabinet Order.

４　第四条の二第四項の規定は、前三項の場合に、これを準用する。

(4) The provisions of Article 4-2, paragraph (4) apply mutatis mutandis to the cases referred to in the preceding three (3) paragraphs.

５　第三項の規定により契約担当官の事務の一部を分掌する職員は、分任契約担当官という。

(5) Officials who have been allotted a portion of the administrative affairs of Contract Officers pursuant to paragraph (3) are referred to as Partially Delegated Contract Officers.

第二十九条の三　契約担当官及び支出負担行為担当官（以下「契約担当官等」という。）は、売買、貸借、請負その他の契約を締結する場合においては、第三項及び第四項に規定する場合を除き、公告して申込みをさせることにより競争に付さなければならない。

Article 29-3 (1) Except in cases provided for in paragraph (3) and paragraph (4), before entering into a sale, lease, contract for work or other contract, a Contract Officer or officer responsible for actions authorizing expenditures (hereinafter referred to as a "Contract Officer, etc.") must put the contract out to tender by issuing a public notice and having persons make offers in respect thereof.

２　前項の競争に加わろうとする者に必要な資格及び同項の公告の方法その他同項の競争について必要な事項は、政令でこれを定める。

(2) The necessary qualifications for a person to participate in any tender referred to in the preceding paragraph, the method of issuing the public notice referred to in the same paragraph, and other necessary particulars related to any tender referred to in the same paragraph are specified by Cabinet Order.

３　契約の性質又は目的により競争に加わるべき者が少数で第一項の競争に付する必要がない場合及び同項の競争に付することが不利と認められる場合においては、政令の定めるところにより、指名競争に付するものとする。

(3) A contract that need not be put out to tender as referred to in paragraph (1) due to the small number of persons who would participate in the tender as a result of the nature or purpose of the contract, or a contract that it is determined would be disadvantageous to put out to tender as referred to in the same paragraph, must be put out to selective tender, pursuant to the provisions of Cabinet Order.

４　契約の性質又は目的が競争を許さない場合、緊急の必要により競争に付することができない場合及び競争に付することが不利と認められる場合においては、政令の定めるところにより、随意契約によるものとする。

(4) A contract whose nature or purpose of does not permit tender, a contract that cannot be put out to tender due to urgent circumstances, or a contract that it is determined would be disadvantageous to put out to tender, must take the form of a discretionary contract, pursuant to the provisions of Cabinet Order.

５　契約に係る予定価格が少額である場合その他政令で定める場合においては、第一項及び第三項の規定にかかわらず、政令の定めるところにより、指名競争に付し又は随意契約によることができる。

(5) Notwithstanding the provisions of paragraph (1) and paragraph (3), if the target price of a contract is low and in other cases prescribed by Cabinet Order, the contract may be put out to selective tender or may take the form of a discretionary contract, pursuant to the provisions of Cabinet Order.

第二十九条の四　契約担当官等は、前条第一項、第三項又は第五項の規定により競争に付そうとする場合においては、その競争に加わろうとする者をして、その者の見積る契約金額の百分の五以上の保証金を納めさせなければならない。ただし、その必要がないと認められる場合においては、政令の定めるところにより、その全部又は一部を納めさせないことができる。

Article 29-4 (1) If a Contract Officer, etc. seeks to put a contract out to tender pursuant to the provisions of paragraph (1), paragraph (3), or paragraph (5) of the preceding Article, the Contract Officer, etc. must collect five percent or more of the quoted contract price as a security deposit from the persons seeking to participate in the tender; provided, however, that if this is found to be unnecessary, the Contract Officer, etc. need not collect a security deposit, either in whole or in part, pursuant to the provisions of Cabinet Order.

２　前項の保証金の納付は、政令の定めるところにより、国債又は確実と認められる有価証券その他の担保の提供をもつて代えることができる。

(2) Japanese Government bonds, securities determined to be bona-fide securities, or other bonds may be paid in lieu of the security deposit prescribed in the preceding paragraph, pursuant to the provisions of Cabinet Order.

第二十九条の五　第二十九条の三第一項、第三項又は第五項の規定による競争（以下「競争」という。）は、特に必要がある場合においてせり売りに付するときを除き、入札の方法をもつてこれを行なわなければならない。

Article 29-5 (1) A tender prescribed in Article 29-3, paragraph (1), paragraph (3) or paragraph (5) (hereinafter referred to as a "Tender") must be conducted through bidding, except when it is particularly necessary to put the contract up for sale.

２　前項の規定により入札を行なう場合においては、入札者は、その提出した入札書の引換え、変更又は取消しをすることができない。

(2) If the bidding pursuant to the provisions of the preceding paragraph takes place, a bidder may not exchange, change, or rescission a submitted bid form.

第二十九条の六　契約担当官等は、競争に付する場合においては、政令の定めるところにより、契約の目的に応じ、予定価格の制限の範囲内で最高又は最低の価格をもつて申込みをした者を契約の相手方とするものとする。ただし、国の支払の原因となる契約のうち政令で定めるものについて、相手方となるべき者の申込みに係る価格によつては、その者により当該契約の内容に適合した履行がされないおそれがあると認められるとき、又はその者と契約を締結することが公正な取引の秩序を乱すこととなるおそれがあつて著しく不適当であると認められるときは、政令の定めるところにより、予定価格の制限の範囲内の価格をもつて申込みをした他の者のうち最低の価格をもつて申込みをした者を当該契約の相手方とすることができる。

Article 29-6 (1) If a Tender is conducted, the Contract Officer, etc. is to select the person who submitted the offer with the highest or lowest price, depending on the purpose of the contract, within the range determined by the target price, as the counterparty to the contract, pursuant to the provisions of Cabinet Order; provided, however, that for a contract specified by Cabinet Order that is a cause of payment by the national government, if it is found likely that the person who should be the counterparty to the contract will not satisfactorily perform the terms of the contract for the price that the person has offered, or if it is found to be extremely inappropriate to conclude the contract with the person who should be the counterparty for the price that the person has offered because of the likelihood that doing so will disrupt the establishment of a fair transaction, the Contract Officer, etc. may, pursuant to Cabinet Order, select the person who offered the lowest price from among the other persons who made offers within the range determined by the target price, as the counterparty to the contract.

２　国の所有に属する財産と国以外の者の所有する財産との交換に関する契約その他その性質又は目的から前項の規定により難い契約については、同項の規定にかかわらず、政令の定めるところにより、価格及びその他の条件が国にとつて最も有利なもの（同項ただし書の場合にあつては、次に有利なもの）をもつて申込みをした者を契約の相手方とすることができる。

(2) Notwithstanding the provisions of the preceding paragraph, for a contract that involves the exchange of assets owned by the national government and assets owned by a person other than the national government and any other contract that is difficult to treat pursuant to the provisions of the preceding paragraph due to its nature or purpose, the person who offered the price and other conditions that are most advantageous to the national government (or the next most advantageous price and other conditions in a case under the proviso to the preceding paragraph) may be made the counterparty to the contract, pursuant to the provisions of Cabinet Order.

第二十九条の七　第二十九条の四の規定により納付された保証金（その納付に代えて提供された担保を含む。）のうち、落札者（前条の規定により契約の相手方とする者をいう。以下次条において同じ。）の納付に係るものは、その者が契約を結ばないときは、国庫に帰属するものとする。

Article 29-7 If the successful bidder (meaning the person selected to be the counterparty to the contract pursuant to the provisions of the preceding Article; hereinafter the same applies in the following Article) does not conclude the contract, the security deposit that the successful bidder paid pursuant to the provisions of Article 29-4 (including a bond provided in lieu of a security deposit) vests in the national treasury.

第二十九条の八　契約担当官等は、競争により落札者を決定したとき、又は随意契約の相手方を決定したときは、政令の定めるところにより、契約の目的、契約金額、履行期限、契約保証金に関する事項その他必要な事項を記載した契約書を作成しなければならない。ただし、政令で定める場合においては、これを省略することができる。

Article 29-8 (1) When a Contract Officer, etc. has determined the successful bidder in a Tender or the counterparty to a discretionary contract, the Contract Officer, etc. must prepare a written contract that includes the particulars of the purpose of the contract, the contract price, performance period, and contract security deposit, and other necessary particulars pursuant to the provisions of Cabinet Order; provided, however, that this may be omitted in a case prescribed by Cabinet Order.

２　前項の規定により契約書を作成する場合においては、契約担当官等が契約の相手方とともに契約書に記名押印しなければ、当該契約は、確定しないものとする。

(2) When a written contract is prepared pursuant to the provisions of the preceding paragraph, the contract does not become final and binding until the names and seals of both the Contract Officer, etc. and the counterparty have been affixed to the written contract.

第二十九条の九　契約担当官等は、国と契約を結ぶ者をして、契約金額の百分の十以上の契約保証金を納めさせなければならない。ただし、他の法令に基づき延納が認められる場合において、確実な担保が提供されるとき、その者が物品の売払代金を即納する場合その他政令で定める場合においては、その全部又は一部を納めさせないことができる。

Article 29-9 (1) A Contract Officer, etc. must collect a contract security deposit of ten percent or more of the contract price from a person who enters into a contract with the national government; provided, however, that if the postponement of payments is permitted pursuant to other laws and ordinances, the Contract Officer, etc. need not collect the contract guarantee, either in whole or in part, if a bona-fide bond has been provided, if the person has immediately paid the sales price for the article, or in any other case set forth by Cabinet Order.

２　第二十九条の四第二項の規定は、前項の契約保証金の納付について、これを準用する。

(2) The provisions of Article 29-4, paragraph (2) apply mutatis mutandis to the payment of the contract security deposit referred to in the preceding paragraph.

第二十九条の十　前条の規定により納付された契約保証金（その納付に代えて提供された担保を含む。）は、これを納付した者がその契約上の義務を履行しないときは、国庫に帰属するものとする。ただし、損害の賠償又は違約金について契約で別段の定めをしたときは、その定めたところによるものとする。

Article 29-10 If a person who has paid a contract security deposit guarantee pursuant to the provisions of the preceding Article (which includes the warranty provided in lieu of such payment) fails to perform their contractual obligations, the contract security deposit must be vested in the national treasury; provided, however, that compensation for damages and penalties must be governed by the contract, if the contract otherwise provides.

第二十九条の十一　契約担当官等は、工事又は製造その他についての請負契約を締結した場合においては、政令の定めるところにより、自ら又は補助者に命じて、契約の適正な履行を確保するため必要な監督をしなければならない。

Article 29-11 (1) When a Contract Officer, etc. concludes a contract for work involving construction, manufacturing or other type of work, the Contract Officer, etc. must, either personally or by assigning an assistant, undertake necessary supervision in order to ensure appropriate performance of the contract, pursuant to the provisions of Cabinet Order.

２　契約担当官等は、前項に規定する請負契約又は物件の買入れその他の契約については、政令の定めるところにより、自ら又は補助者に命じて、その受ける給付の完了の確認（給付の完了前に代価の一部を支払う必要がある場合において行なう工事若しくは製造の既済部分又は物件の既納部分の確認を含む。）をするため必要な検査をしなければならない。

(2) When a Contract Officer, etc. concludes a contract for work prescribed in the preceding paragraph or a purchase or other contract involving an object, the Contract Officer, etc. must, either personally or by assigning an assistant, undertake necessary inspections in order to verify that the delivery to be received under the contract is completed (including verifying the completion of portions of construction or manufacturing or delivery of portions of objects if it is necessary to pay a portion of the price prior to completion of delivery), pursuant to the provisions of Cabinet Order.

３　前二項の場合において、契約の目的たる物件の給付の完了後相当の期間内に当該物件につき破損、変質、性能の低下その他の事故が生じたときは取替え、補修その他必要な措置を講ずる旨の特約があり、当該給付の内容が担保されると認められる契約については、政令の定めるところにより、第一項の監督又は前項の検査の一部を省略することができる。

(3) In any case referred to in the preceding two (2) paragraphs, the supervision prescribed in paragraph (1) or the inspections prescribed in the preceding paragraph may be omitted in part pursuant to the provisions of Cabinet Order for any contract which has special provisions to the effect that if damage, alteration, degradation of function, or any other accident occurs within a reasonable period following completion of delivery of the object that is the subject matter of the contract, the object will be replaced or repaired or other necessary measures will be taken, and under which content of work to be delivered is found to have been secured.

４　各省各庁の長は、特に必要があるときは、政令の定めるところにより、第一項の監督及び第二項の検査を、当該契約に係る契約担当官等及びその補助者以外の当該各省各庁所属の職員又は他の各省各庁所属の職員に行なわせることができる。

(4) Heads of Ministries and Agencies may, when particularly necessary and pursuant to the provisions of Cabinet Order, order officials within their ministries and agencies or officials of other ministries and agencies other than the Contract Officer, etc. or the assistant involved with the relevant contract, to perform the supervision prescribed in paragraph (1) and the inspections prescribed in paragraph (2).

５　契約担当官等は、特に必要があるときは、政令の定めるところにより、国の職員以外の者に第一項の監督及び第二項の検査を委託して行なわせることができる。

(5) A Contract Officer, etc. may, when particularly necessary and pursuant to the provisions of Cabinet Order, delegate a person other than a national government official to perform the supervision prescribed in paragraph (1) and the inspection prescribed in paragraph (2).

第二十九条の十二　契約担当官等は、政令の定めるところにより、翌年度以降にわたり、電気、ガス若しくは水の供給又は電気通信役務の提供を受ける契約を締結することができる。この場合においては、各年度におけるこれらの経費の予算の範囲内においてその給付を受けなければならない。

Article 29-12 Contract Officers, etc. may execute contracts to be supplied with electricity, gas, or water, or provided with telecommunications services for upcoming fiscal years pursuant to the provisions of Cabinet Order. In such cases, delivery thereof must be accepted within the scope of the expense budget for the relevant fiscal year.