

PUBLIC PROCUREMENT & CONCESSIONS COMPLAINT PROCEDURES (A STEP BY STEP GUIDE)

Part VIII of the Public Procurement & Concessions Act, 2010 (PPCA 2010) provides aggrieved Suppliers, Contractors & Consultants the opportunity to seek Administrative Review when dissatisfied with a procurement process or decision.

THE COMPLAINT PROCEDURES

Are you **an aggrieved** bidder, contractor, supplier, or consultant involved in a procurement or concession proceeding?

Do you have a grievance or complaint about a procurement process or decision?
Do you have a complaint against a Procuring/Concession Entity?

If you are **an aggrieved** bidder, contractor, supplier, or consultant involved in a procurement or concession proceeding or process and you are dissatisfied with a procurement process;

Or, if you believe that your entity has suffered or is at the risk of suffering a loss or damage due to any of the following:

- Unfair treatment in the solicitation or evaluation of bids
- Unfair treatment in the award of contracts
- Loss or injury due to a breach of duty imposed under the Public Procurement & Concessions Act, 2010.

Then, you are entitled to seek Administrative Review through the PPCC Complaint process, as described in **Steps 1 to 10** below:-

PART 1: AGGRIEVED BIDDER CONTRACTOR, SUPPLIER, OR CONSULTANT (AT PROCURING ENTITY):

Step 1: Files a written petition to the Head of the Procuring Entity (PE) or Concession Entity (CE) within **forty-five (45) days** of the time of knowledge of the violation (s) [**Part VIII, Section 125(2)**]

Step 2: Gives the Head of the Procuring Entity (PE) or Concession Entity (CE) **fourteen (14) days** to investigate your complaint, or does not take any action on your complaint [**Part VIII, Section 125(6)(a)**].

Step 3: The Head of Procuring Entity or Concession Entity investigates Complaint and reaches a decision within **ten (10) to fifteen (15) days** of receipt of complaint and communicates same to the parties, with a copy to PPCC, or, fails to investigate complaint [**Part VIII, Section 125(6)(b)(c)**].

Step 4: (i) Requests that the Complaints, Appeals & Review Panel (CARP/Panel) decides the complaint if the Head of the Procuring or concession entity fails to investigate and issue a decision within **Ten (10) To Fifteen (15) Days** after the date such a decision was due [**Part VIII, Section 126(2)**];

(ii) Or, appeals the decision of the Head of Procuring Entity or Concession Entity, and files same in writing with the PPCC Executive Director for review by the Complaints, Appeals & Review Panel (CARP/Panel) within **Ten (10) Days** after the date of the adverse decision [**Part VIII, Section 126(2)**];

(iii) All requests for decision and appeals to the Complaints, Appeals & Review Panel under **Part VIII, Section 126** of the PPC Act 2010 **MUST** be filed with the Executive Director of PPCC for the attention of the Complaints, Appeals & Review Panel (CARP/Panel) within **Ten (10) Days** after the date a decision was due, or within **Ten (10) Days** after the date of an adverse decision of the Procuring or Concession Entity, with a copy to the PE or CE serve on the same day of filing [**Part VIII, Section 126(2)**].

PART 2: AT THE PPCC/CARP

Step 5: Executive Director receives requests for decision or appeal the to the Complaints, Appeals & Review Panel, acknowledges in writing receipt of same, and passes it on to the Complaints, Appeals & Review Panel for investigation or hearing. The Executive Director also notifies the relevant PE or CE of the filing [**Part VIII, Section 126(6)**].

Step 6: Complaints, Appeals & Review Panel convenes a meeting, reviews the requests for decision or appeal, and renders a decision within **Forty-Five (45) to Sixty (60) Days** [**Part VIII, Section 127(1)**].

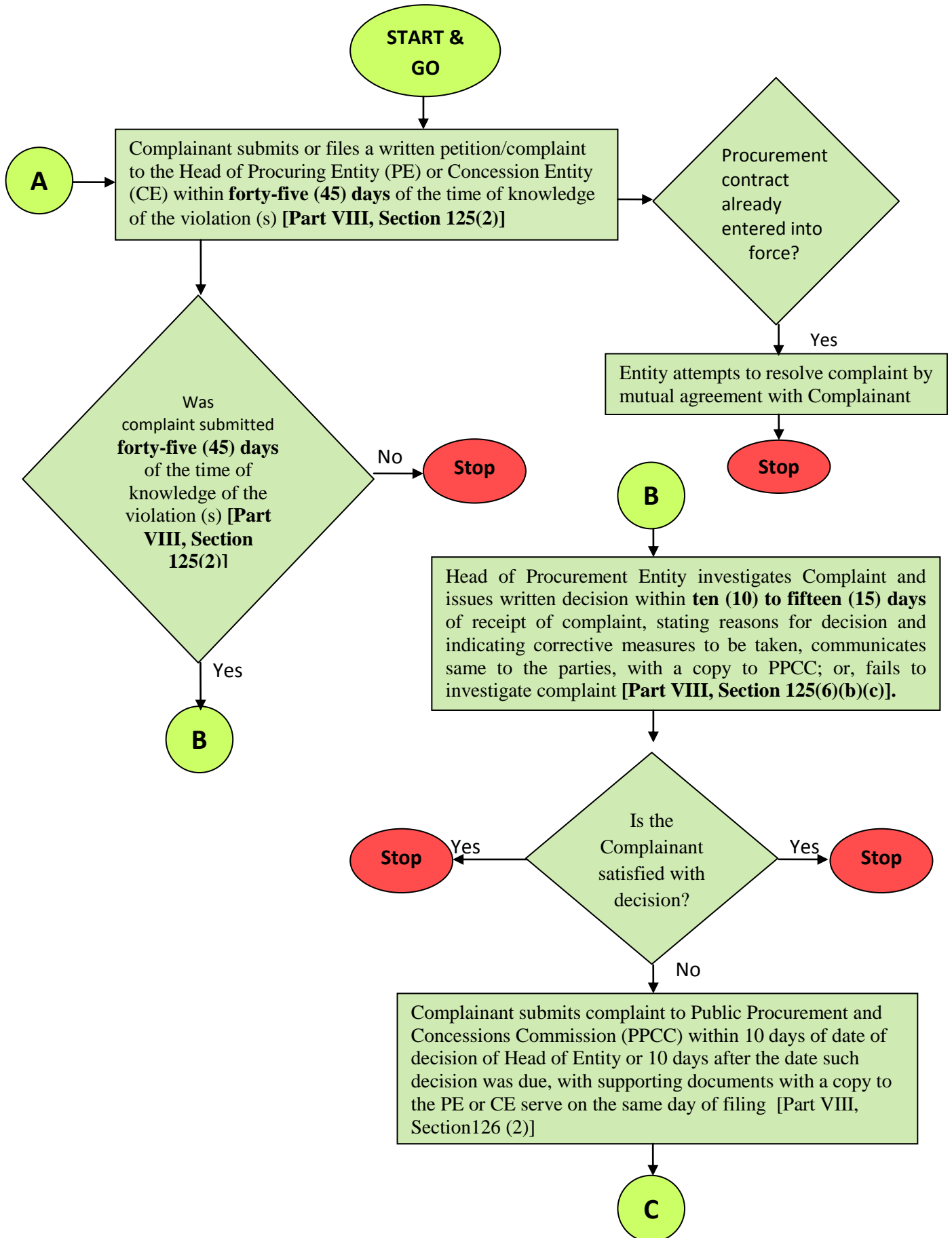
Step 7: All Complaints, Appeals & Review Panel members sign if decision is unanimous, or if not, dissenting member (s) issues a dissenting opinion [**Part VIII, Section 127(3)**].

Step 8: The decision of the Complaints, Appeals & Review Panel is delivered to the parties, with copy to the PPCC by electronic mail or hand delivery [**Part VIII, Section 128(2)**].

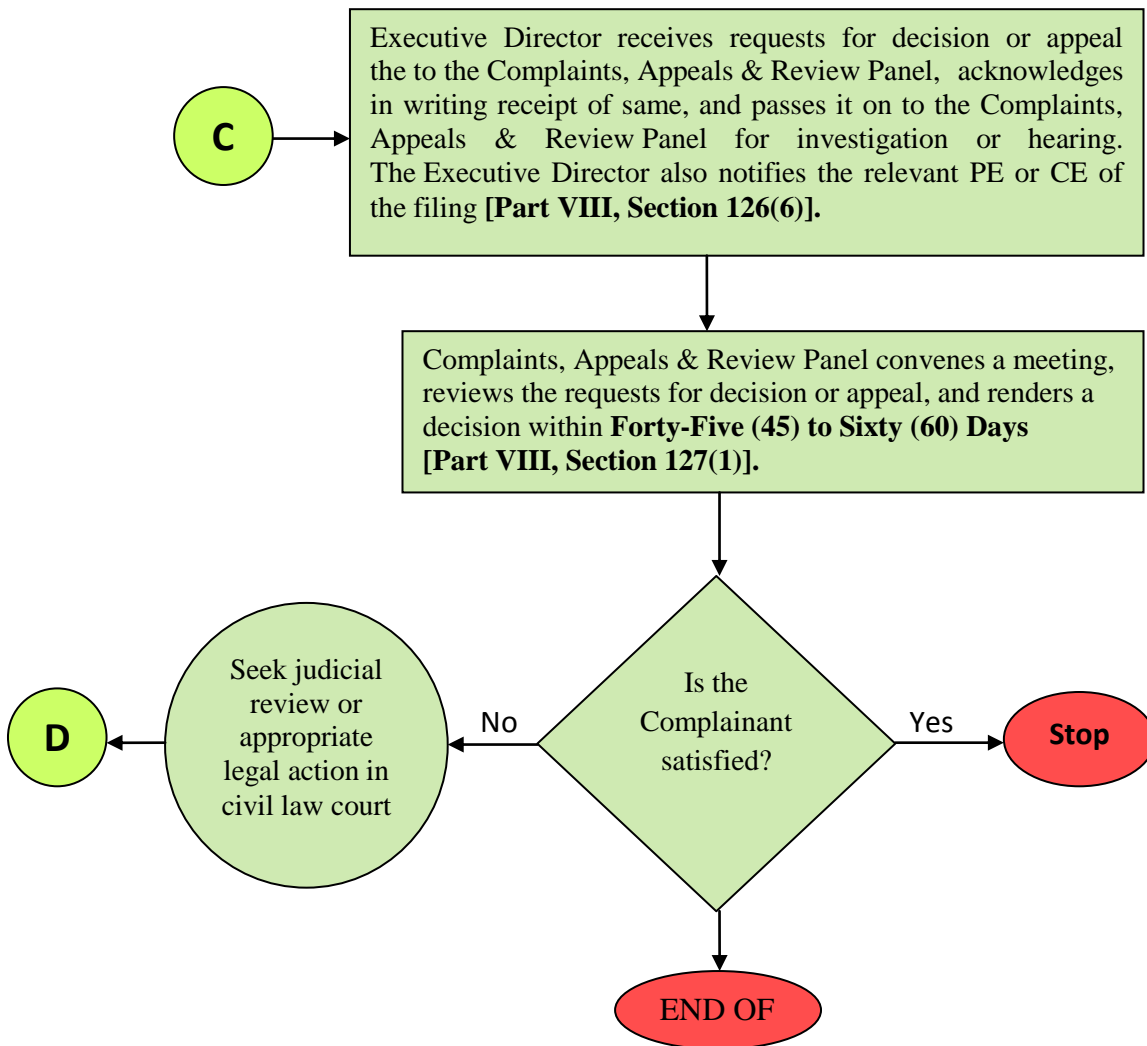
Step 9: If the Complaints, Appeals & Review Panel does not render/issue a decision within **Forty-Five (45) to Sixty (60) Days** as prescribed, the complainant or appellant may proceed directly to a court of competent jurisdiction for judicial review[**Part VIII, Section 127(1)(7)**].

Step 10: The Commission shall promptly publish the decision on its website and other media [**Part VIII, Section 128(2)**].

ADMINISTRATIVE REVIEW PROCESS (COMPLAINT PROCEDURES DIAGRAM)



ADMINISTRATIVE REVIEW PROCESS (contd.)



ADMINISTRATIVE REVIEW PROCESS (COMPLAINT PROCEDURES)