

**PROCEDURES FOR HEARING AND DEBARMENT
OF BIDDERS, CONTRACTORS AND SUPPLIERS –
(A STEP BY STEP GUIDE)**

Are you an aggrieved Procuring/Concession Entity? Do you have a complaint against a bidder, contractor, supplier, or consultant involved in a procurement or concession proceeding?

If you are a Procuring/Concession Entity involved in a procurement process and believes that your entity has not or will not receive value for money or money for value from a bidder, contractor, supplier, or consultant involved in a procurement or concession proceeding with your entity due to any of the following:

- The provision of material false information supplied in the process of submitting a bid;
- The practice of collusion between bidders and bidders or bidders and public procurement officer (s) staff affecting the formulation of a bid, RFQ, REP or related bidding documents;
- Influencing or attempt to influence a procurement/concession process, award of, or administration of a contract by any unfair method;
- Connivance to interfere with the participation of competing bidders;
- Misconduct relating to the submission of bids, including, collusion, corruption, price-fixing, and under-pricing;
- Non-performance of contract obligations under a contract duly executed and deemed serious enough to warrant debarment, provided the non-performance was not due to the fault of the contractor;
- Violation of any provision under Part IV, Section 44 (2) and Part IX, Section 132 of the PPC Act;
- Conviction of criminal offense relating to obtaining or attempting to obtain a contract or sub-contract, evading legitimate taxes, and engaging in related business and professional crimes; and
- Loss or injury due to a breach/violation of a duty imposed under the PPC Act 2010.

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

I. AGGRIEVED ENTITY

A. PROCURING ENTITY

Step 1: Files a written petition to debar a bidder, contractor, supplier, or consultant with the Head of the Secretariat of PPCC not more than one hundred and eighty days (180) days of the time of knowledge of the violation (s) [Part IV, Section 44(3); Part VIII, Section 125(4)(c)]

Step 2: Or, the Secretariat, on its own motion, initiates investigation/debarment proceedings as to whether a person or bidder, contractor, supplier, or consultant should be debarred on any grounds listed in Section 44(2), or does so at the request of the Commissioners [Section 44(3)].

Step 3: The Commission through the Executive Director requests the Complaints, Appeals and Review panel to constitute a hearing panel to hold a hearing and make findings as to the disputed issues of fact materials to the decision to debar, and present such findings of fact to the Commission [Section 44(4)].

Step 4: The designated hearing officer/team/committee; or special hearing panel, in the case of the Complaints, Appeals & Review Panel, gives reasonable notice and opportunity to both the PE and bidder, contractor or supplier involved in the cause of proposed action, to separately appear before it for hearings along with their facts and relevant evidence [Section 44(1)(b)(c)]

Step 5: Designated hearing officer/team/committee or special hearing panel conduct hearings to determine and resolve disputed questions of fact [Section 44(1)(d)]

Step 6: Designated hearing officer/team/committee or special hearing panel prepare findings and submit same to the Executive Director/Commission [Section 44(4)]

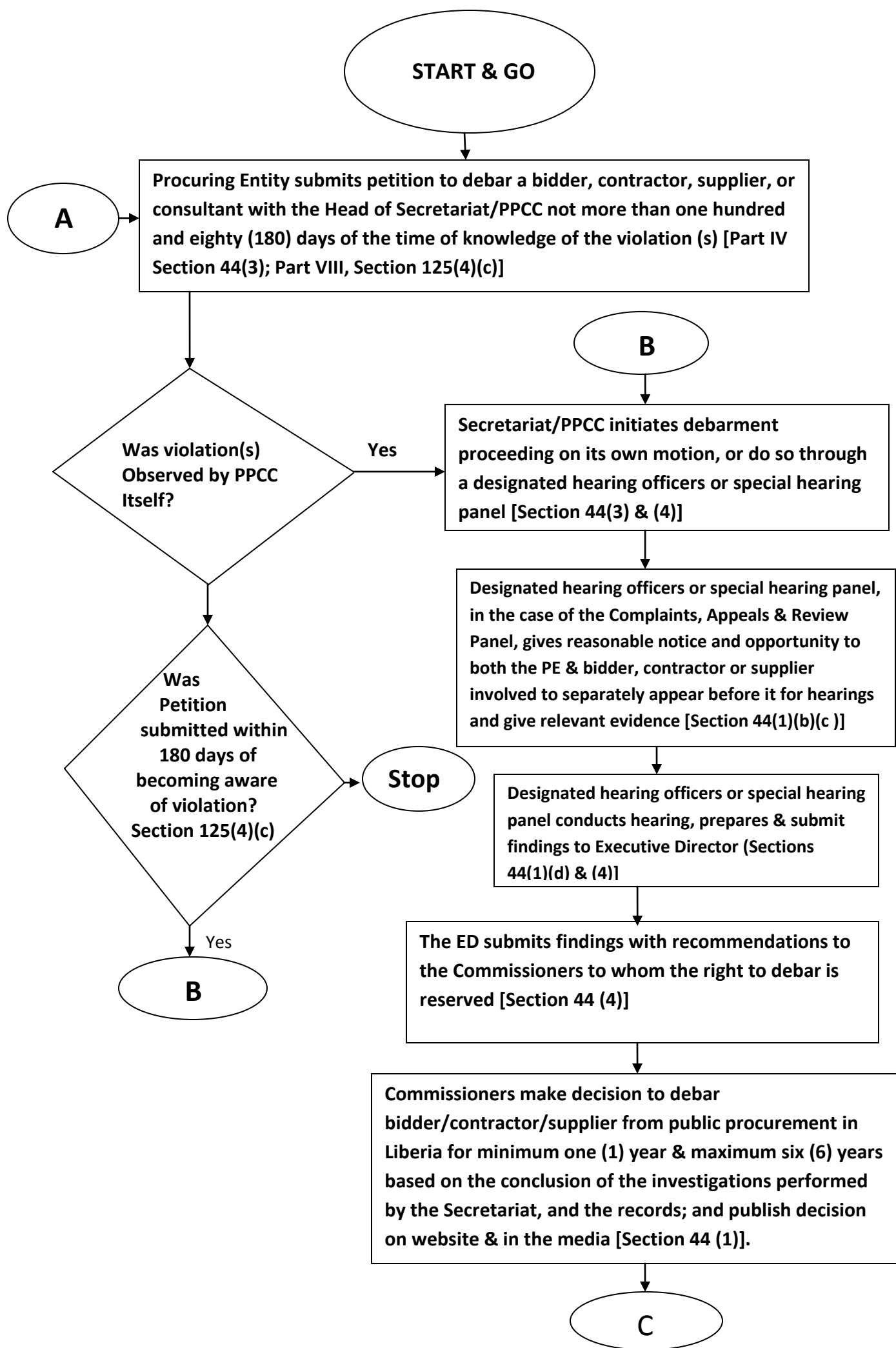
Step 7: The ED submits the findings with recommendations to the Commissioners to whom the right to debar is reserved [Section 44 (4)]

Step 8: The Commissioners, subject to the conclusion of the investigation performed by the Secretariat, or special hearing panel (in the case of the Complaints, Appeals & Review Panel), and based only on the records, make decision to exclude or debar a bidder, contractor, or supplier from participation in all public procurements for a minimum period of one (1) year and a maximum period of six (6) years [Section 44(1)]

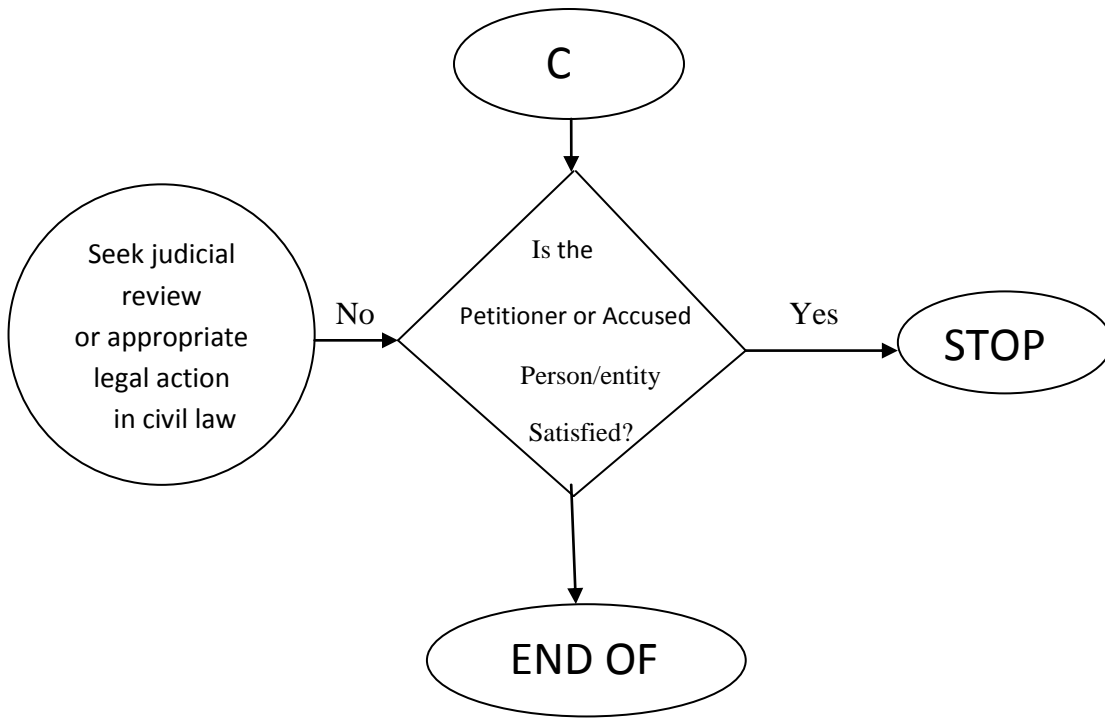
Step 9: The Commission shall promptly publish the decision on its website and other media;

Step 10: A dissatisfied person/institution may appeal the debarment decision of the Commissioners in a court of competent jurisdiction only (in this case, the Civil Law Court, Sixth Judicial Circuit for Montserrado County, or the civil law division of circuit courts in the rest of the country) [Section 44(4)].

**ADMINISTRATIVE REVIEW PROCESS DIAGRAM
(DEBARMENT PROCEEDING/PROCURING ENTITY)**



ADMINISTRATIVE REVIEW PROCESS (contd.)



**ADMINISTRATIVE REVIEW PROCESS
(DEBARMENT PROCEEDING/PROCURING ENTITY)**