

# COMPLAINTS PROCEDURE

UNDER THE **DELTA STATE PUBLIC PROCUREMENT ACT 2016**

## SEVEN STEPS TO SEEKING REDRESS UNDER THE PUBLIC PROCUREMENT ACT

COMPLAINT PROCEDURE UNDER THE PUBLIC PROCUREMENT ACT

PART X SECTION 55

Background:

The Public Procurement Act 2016 recognizes the possibility of complaints also known as administrative review after every procurement process. It has therefore gone ahead to specifically provide a Recourse Mechanism for the complainants.

The Commission has in the exercise of its functions gone further to highlight the Seven (7) Steps for easy reference by all Contractors/Consultants/MDAs.

### **THE SEVEN (7) STEPS !!!**

Where any Contractor/Consultant/MDA is not pleased with the outcome of any procurement proceedings either because of a perceived breach or omission of the provisions of the Public Procurement Act 2016, he shall:

**Step 1:** Make a formal and written complaint to the Accounting Officer of the procuring/disposing entity within fifteen (15) working days from when he became aware of the breach or omission.

**Step 2:** The Accounting Officer shall review the complaint and communicate his decision on the matter to the complainant within fifteen (15) working days. He shall give reasons for his decision and the corrective measures to be taken where necessary.

**Step 3:** If the Accounting Officer fails to make a decision within the given period or the complainant is not satisfied with his decision, the Act allows the complainant to forward his complaint to the Commission within ten (10) working days from the date that decision was communicated to him.

**Step 4:** Upon receiving the complaint, the Commission shall:

- (a) Notify the procuring entity of the complaint and
- (b) Suspend any further action by the procuring or disposing entity until the matter is settled.

**Step 5:** Unless the Commission dismisses the complaint, it shall further

- (a) Prohibit the procuring/disposing entity from taking further action,
- (b) Nullify part or all of the unlawful act or decision of the procuring or disposing entity,
- (c) Declare or make known the rules and principles governing the subject matter of the complaint, and
- (d) Reverse any improper decision by the procuring or disposing entity or substitute its own decision for the improper one.

**Step 6:** The Commission shall notify all interested bidders of the complaint before taking any decision on the matter and may consider representations from the bidders and the respective procuring or disposing entity.

**Step 7:** The Commission shall make its own decision within twenty one (21) working days after receiving the complaint and shall give the reasons for its decision and the remedies granted if any.

**Please Note:**

- ❖ Representations on complaints can be made in writing or in person.
- ❖ All Contractors/Consultants/MDAs are advised to strictly follow the above steps in seeking redress in any procurement process!!!