

COMPLAINTS PROCEDURE

UNDER THE PUBLIC PROCUREMENT ACT



**NINE STEPS TO SEEKING REDRESS UNDER
THE PUBLIC PROCUREMENT ACT**

COMPLAINT PROCEDURE UNDER THE PUBLIC PROCUREMENT ACT
PART IX SECTION 54

Background:

The Public Procurement Act 2007 recognizes the possibility of complaints after every procurement process. It has therefore gone ahead to specifically provide a Recourse Mechanism for the complainants.

The Bureau has in the exercise of its functions gone further to highlight the **Nine (9) Steps** for easy reference by all Contractors/Consultants/MDAs.

THE NINE (9) 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 2007, 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 Bureau within ten (10) working days from the date that decision was communicated to him.**

Step 4: Upon receiving the complaint, the **Bureau** 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 Bureau 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 Bureau 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 Bureau 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.

Step 8: If the Bureau fails to make its decision within the given time or if the complainant is not satisfied with the Bureau's decision, **the complainant may appeal to the Federal High Court within 30 days** after receipt of the Bureau's decision or the expiration of the time specified for the Bureau to make a decision.

Step 9: The **decision of the Federal High Court shall be final** on the matter and no further appeals shall lie.

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!!!**