



ADAMAWA STATE BUREAU OF PUBLIC PROCUREMENT

COMPLAINTS PROCEDURES

UNDER THE PUBLIC PROCUREMENT LAW 2013

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

COMPLAINT PROCEDURE UNDER THE PUBLIC PROCUREMENT LAW PART IX SECTION 54

Background:

The public procurement Law, 2013 recognizes the possibility of complaints after every procurement process. It has therefore gone ahead to specifically provide a recourse mechanism for the complaints.

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/Consultants/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 law 2013, 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.
 - (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 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.
- (d) **Reverse** any improper decision 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.

All Contractors/Consultants/MDAs are advised to strictly follow the above steps in seeking redress in any procurement process!!!