



ADAMAWA STATE BUREAU OF PUBLIC PROCUREMENT

COMPLAINTS PROCEDURES

UNDER THE PUBLIC PROCUREMENT (AMENDMENT) LAW, 2020

DECEMBER, 2020

(Earlier edition of September, 2014 no longer in use)

COMPLAINTS PROCEDURE UNDER THE PUBLIC PROCUREMENT LAW PART IX SECTION 54

Background:

The public procurement (Amendment) Law, 2020 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/Service providers.

THE NINE (9) STEPS!!!

Where any **Contractor/Consultant/Service provider** 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 (Amendment) Law 2020, 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: Where the Bureau fails to render its decision within the stipulated time or if the bidder is not satisfied with the Bureau's decision, **the bidder may appeal to the High Court within 30 days** after the receipt of the Bureau's decision or the expiration of the time stipulated for the Bureau to make a decision.

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

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