

Act [Section-29, 30]

Complaints & Appeals

Rules [Rule- 56–60]

Complaints & Appeals

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Objectives of Complaints Mechanisms

- **Test of Transparency**
- **Credibility**
- **Public Confidence**
- **Trust**

Who can complain ?

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Person

Any Person who claims to have suffered loss or damages due to breach of a responsibility assigned with the PE, may lodge a complaint

Act- [Section 29]

Right to Complain

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Grounds

- **Pre-qualification documents not ready or available**
- **Failure to respond promptly to request for clarifications**
- **Failure by TEC to evaluate qualifications in accordance with criteria set out in pre-qualification document**
- **Perceived unfair denial of pre-qualification**
- **Possible corrupt or collusive practice**

Rule- 56

Grounds for Complaint cont'd

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Methods: OTM, LTM, DPM, TSTM & RFQM

- **Advertisement procedures not adhered to**
- **Tender documents not ready**
- **Failure to respond promptly to request for clarifications**
- **Framing technical specifications around small number of suppliers/manufacturers of particular products**
- **Failure to hold pre-Tender meeting in accordance with advertisement**

Rule- 56

Grounds for Complaint cont'd

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Methods: OTM, LTM, DPM, TSTM & RFQM

- ❑ **Failure to open tender in accordance with advertisement**
- **Opening any tender(s) received prior to the set deadline**
- **Failure to open all tenders on time**
- **Failure to evaluate tenders in compliance with established criteria**
- **Attempts by PE to 'negotiate' with successful tender**

Rule- 56

Grounds for Complaint cont'd

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Methods: OTM, LTM, DPM, TSTM & RFQM

- **Corrupt or collusive practices**
- **Unfair or erroneous award of contract**
- **Breaking confidentiality at the time of clarifications (in the case of TSTM)**

Rule- 56

Grounds for Complaint cont'd

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Services: RFP

- **Breaking confidentiality after opening the Technical Proposal**
- **Opening the Financial Proposals at the time of opening the Technical Proposals**
- **Failure to evaluate in accordance with criteria set out in RFP**

Rule- 56

Grounds for Complaint cont'd

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Services: RFP

- **Attempt by PE to force a revision of fee rates during negotiation (where price is a factor in evaluation)**
- **Possible corrupt or collusive practices**
- **Perceived unfair and not impartial award of contract**

Rule- 56

No Right to Complain

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No complain can be lodged on

- **the choice of procurement methods for Goods, Works and Services**
- **a refusal to short-list an Applicant**
- **the decision to reject applications for pre-qualification, tenders, quotations or proposals**
- **a decision of award made by CCGP**

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Levels of Complaints

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An aggrieved Person may complain following **Rules-56 & 57** at Two Levels

- **Administrative Level**
- **Review Panel Level**

Administrative Level

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Complaints to **Administrative** Authority

- **PE** (*PD/PM/PO/AO/LD*) issuing TD / RFP
- **HOPE**
- **Secretary of the Ministry or
Division or Department**

Complaints to **Review Panel**

Only when a Person has exhausted all his or her options of complaints at the Administrative Level

Mode of Complaint for Review

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Form of Complaint

- **Addressed to Chairperson of RP duly sealed & confidential through DG, CPTU, IMED, Planning Commission, Dhaka**
- **Covering Letter to the address of DG, CPTU shall mention the type of complaint**
- **Appeal shall include Registration Fee & Security Deposit of specified amount in favor of DG, CPTU**
- **Opened only by the Chairperson of RP**

Registration Fee & Security Deposit

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RF & SD required to submit a complaint

- Below Tk.10 million, the RF is Tk. 10,000 & SD is Tk. 50,000
- From Tk.10 million to Tk. 50 million, the RF is Tk.15,000 & the SD is Tk. 100,000
- Above Tk.50 million & up to 100 million, the RF is Tk.20,000 & the SD is Tk. 200,000
- Above Tk.100 million, the RF is Tk.25,000 & the SD is Tk. 500,000
- **For complaints on issues prior to Tender Opening, the RF is Tk. 10,000 & the SD is Tk. 50,000**

Details of Complaints Procedure

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- **Details are found in Further Reading**