

**COMPLAINTS PROCEDURE UNDER THE SOKOTO STATE PUBLIC PROCUREMENT AND PUBLIC PRIVATE PARTNERSHIP LAW 2016 – PART IX SECTION 62**

**BACKGROUND**

The Sokoto State Public Procurement and Public Private Partnership Law 2016 (hereinafter referred to as “the law”) 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 for Public Procurement and Price Intelligence has, in the exercise of its functions under Section 11(a) gone further to highlight the **STEPS** for easy reference by all Contractors/Consultants/MDAs.

Where any Contractor/Consultant/MDA is not pleased with the outcome of any procurement proceeding either because of a **Perceived Breach or Omission** of the provisions of the law, he shall:

- Step 1:** Make a formal and written complaint to the Secretary/Legal Adviser of the Bureau **within fifteen (15) working days from when he became aware of the breach or omission.**
- Step 2:** The Secretary/Legal Adviser 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 Secretary/Legal Adviser **fails** to make a decision within the given period or the complainant is not satisfied with his decision, the law **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 of the unlawful act or decision of the procuring/disposing entity.
- c) **Declare** or make known the rules and principles governing the subject matter of the complaint.
- d) **Reverse** any improper decision by the procuring/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/disposing entity.

**Step 7:** The Bureau shall make its own decision **within twenty one (21) 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 Sokoto State High Court within thirty (30) working 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 Sokoto State 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.**